



Council

**Wednesday 10 March 2021
2.00 p.m.
Virtual Meeting**

(Adjourned agenda items for 3rd March 2021)

WELCOME TO TODAY'S MEETING

GUIDANCE FOR THE PUBLIC

The Council is composed of 63 Councillors, who are democratically accountable to the residents of their ward.

The Council Meeting is chaired by the Mayor, who will ensure that its business can be carried out efficiently and with regard to respecting the rights and responsibilities of Councillors and the interests of the community. The Mayor is the Borough's first citizen and is treated with respect by the whole Council, as should visitors and member of the public.

All Councillors meet together as the Council. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints its Leader, Mayor and Deputy Mayor and at its Annual Meeting will appoint Councillors to serve on its committees.

Copies of the agenda and reports are available on the Council's website at www.rotherham.gov.uk. You may not be allowed to see some reports because they contain private information and these will be marked accordingly on the agenda.

Members of the public have the right to ask questions or submit petitions to Council meetings. A member of the public may ask one general question in person which must be received in writing to the Chief Executive by 10.00 a.m. on the Friday preceding a Council meeting on the following Wednesday and must not exceed sixty words in length. Questions can be emailed to governance@rotherham.gov.uk

Council meetings are webcast and streamed live or subsequent broadcast via the Council's website. At the start of the meeting the Mayor will confirm if the meeting is being filmed. You would need to confirm your wish not to be filmed to Democratic Services. Recording of the meeting by members of the public is also allowed.

Council meetings are open to the public, but occasionally the Council may have to discuss an item in private. If this occurs you will be asked to leave.

If you have any queries on this agenda, please contact:-

Contact:-

Craig Tyler, Head of Democratic Services
governance@rotherham.gov.uk

Date of Publication:-

TO BE INSERTED

COUNCIL

Wednesday 10 March 2021 at 2.00 p.m.
Virtual Meeting

THE MAYOR (Councillor Jenny Andrews)
DEPUTY MAYOR (Councillor Ian Jones)

CHIEF EXECUTIVE (Sharon Kemp)

MEMBERS OF THE COUNCIL

ANSTON AND WOODSETTS

IRELAND, Jonathan C.
JEPSON, Clive R.

KEPPEL

CLARK, Maggi
CUTTS, Dave
HAGUE, Paul

SITWELL

COWLES, Allen
SHORT Peter, G. J.
TURNER, Julie

BOSTON CASTLE

ALAM, Saghir
MCNEELY, Rose M.
YASSEEN, Taiba K.

MALTBY

BEAUMONT, Christine
RUSHFORTH, Amy L.

SWINTON

CUSWORTH, Victoria
SANSOME, Stuart
WYATT, Kenneth J.

BRINSWORTH AND CATCLIFFE

BUCKLEY, Alan
CARTER, Adam
SIMPSON, Nigel G.

RAWMARSH

BIRD, Robert
MARRIOTT Sandra
SHEPPARD, David R.

VALLEY

ALBISTON, Kerry
REEDER, Kathleen
SENIOR, Jayne E.

DINNINGTON

MALLINDER, Jeanette M.
TWEED, Simon A.
VJESTICA, John

ROTHER VALE

BROOKES, Amy C.
WALSH, Robert J.

WALES

BECK, Dominic
WATSON, Gordon
WHYSALL, Jennifer

HELLABY

ANDREWS, Jennifer A.
CUTTS, Brian
TURNER, R. A. John

ROTHERHAM EAST

COOKSEY, Wendy
FENWICK-GREEN Deborah
KHAN, Tajamal

WATH

ATKIN, Alan
ELLIOT, Jayne C.
EVANS, Simon

HOLDERNESS

ELLIOTT, Michael S.
PITCHLEY, Lyndsay
TAYLOR, Robert P.

ROTHERHAM WEST

JARVIS, Patricia A.
JONES, Ian P.
KEENAN, Eve.

WICKERSLEY

ELLIS, Susan
HODDINOTT, Emma
READ, Chris

HOOBER

LELLIOTT, Denise
ROCHE, David J.
STEELE, Brian

SILVERWOOD

MARLES, Steven
NAPPER, Alan D.
RUSSELL, Gwendoline A.

WINGFIELD

ALLEN, Sarah A.
ELLIOTT, Robert W.
WILLIAMS, John

Council Meeting Agenda

(ADJOURNED ITEMS FROM 03 MARCH 2021)

Time and Date:-

Wednesday 10 March 2021 at 2.00 p.m.

Venue:-

Virtual Meeting

1. ANNOUNCEMENTS

To consider any announcements by the Mayor in accordance with Council Procedure Rule 3(2)(ii).

2. APOLOGIES FOR ABSENCE

To receive the apologies of any Member who is unable to attend the meeting.

3. COMMUNICATIONS

Any communication received by the Mayor or Chief Executive which relates to a recommendation of the Cabinet or a committee which was received after the relevant meeting.

4. DECLARATIONS OF INTEREST

To invite Councillors to declare any disclosable pecuniary interests or personal interests they may have in any matter which is to be considered at this meeting, to confirm the nature of those interests and whether they intend to leave the meeting for the consideration of the item.

5. EXCLUSION OF THE PRESS AND PUBLIC

Should it be necessary, in the opinion of the Mayor, to consider excluding the press and public from the meeting in relation to any items of urgent business on the grounds that private information is likely to be divulged.

There are no such items at the time of preparing this agenda.

Agenda Items originally numbered 20 to 32

6. STANDARDS AND ETHICS COMMITTEE (Pages 7 - 9)

To receive and consider reports, minutes and recommendations of the Standards and Ethics Committee.

To confirm the minutes as a true record.

7. RECOMMENDATION FROM THE STANDARDS AND ETHICS COMMITTEE - LGA MODEL MEMBER CODE OF CONDUCT (Pages 10 - 44)

To consider the recommendation from the Standards and Ethics Committee in respect of the LGA's Model Member Code of Conduct.

8. AUDIT COMMITTEE (Pages 45 - 53)

To receive and consider reports, minutes and recommendations of the Audit Committee.

To confirm the minutes as a true record.

9. HEALTH AND WELLBEING BOARD (Pages 54 - 69)

To receive and consider reports, minutes and recommendations of the Health and Wellbeing Board.

To confirm the minutes as a true record.

10. RECOMMENDATION FROM THE STANDARDS AND ETHICS COMMITTEE - OUTCOME OF STANDARDS AND ETHICS SUB-COMMITTEE HEARING REGARDING THE ALLEGED BREACH OF THE CODE OF CONDUCT - COUNCILLOR IRELAND (Pages 70 - 81)

To consider recommendations from the Standards and Ethics Sub-Committees in respect of Councillor Ireland.

11. RECOMMENDATION FROM THE STANDARDS AND ETHICS COMMITTEE - OUTCOME OF STANDARDS AND ETHICS SUB-COMMITTEE HEARING REGARDING THE ALLEGED BREACH OF THE CODE OF CONDUCT - COUNCILLOR ELLIS (Pages 82 - 91)

To consider recommendations from the Standards and Ethics Sub-Committees in respect of Councillor Ellis.

12. PLANNING BOARD (Pages 92 - 93)

To receive and consider reports, minutes and recommendations of the Planning Board.

To confirm the minutes as a true record.

13. STAFFING COMMITTEE (Pages 94 - 96)

To receive and consider reports, minutes and recommendations of the Staffing Committee.

To confirm the minutes as a true record.

14. RECOMMENDATION FROM THE STAFFING COMMITTEE - PAY POLICY STATEMENT 2021 (Pages 97 - 113)

To consider a recommendation from the Staffing Committee in respect of the

15. LICENSING BOARD (Page 114)

To receive and consider reports, minutes and recommendations of the, Licensing Board Sub-Committee.

To confirm the minutes as a true record.

16. MEMBERS' QUESTIONS TO DESIGNATED SPOKESPERSONS

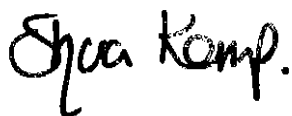
To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police and Crime Panel, South Yorkshire Fire and Rescue Authority, Barnsley, Doncaster, Rotherham and Sheffield Combined Authority and South Yorkshire Pensions Authority, in accordance with Council Procedure Rule 11(5).

17. MEMBERS' QUESTIONS TO CABINET MEMBERS AND CHAIRPERSONS

To put questions, if any, to Cabinet Members and Committee Chairpersons (or their representatives) under Council Procedure Rules 11(1) and 11(3).

18. URGENT ITEMS

Any other public items which the Mayor determines are urgent.



SHARON KEMP,
Chief Executive.

**The next meeting of the Council will be on
21st May at 2.00 p.m.**

STANDARDS AND ETHICS COMMITTEE
21st January, 2021

Present:- Councillor McNeely (in the Chair); Councillors Clark, Cooksey, D. Cutts, Sheppard, Simpson, Mr. D. Rowley (Parish Council Representative) and also Mrs. A. Bingham and Mrs. K. Penney (Independent Members).

Also in attendance at the invitation of the Chair were Mr. P. Beavers and Mr. D. Roper-Newman (Independent Persons).

Apologies for absence were received from Councillor Vjestica, Mr. D. Bates and Mr. R. Swann (Parish Council Representative) and Mrs. M. Evers (Independent Member).

102. THANKS AND APPRECIATION - INDEPENDENT MEMBER

The Chair wished to place on record, on behalf of the Committee, her thanks and appreciation to Mrs. Julie Porter, following her resignation from the Standards and Ethics Committee.

103. DECLARATIONS OF INTEREST

There were no declarations of interest.

104. EXCLUSION OF PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for Minute Nos. 107 (Review of Complaints) and 108 (Review of Concerns Raised Pursuant to the Whistleblowing Policy) on the grounds that they have appendices that involves the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

105. MINUTES OF THE PREVIOUS MEETING HELD ON 19TH NOVEMBER, 2020

Resolved:- That the minutes of the previous meeting held on 19th November, 2020 be approved as a true and correct record of the proceedings.

106. LGA MODEL MEMBER CODE OF CONDUCT

Further to Minute No. 97 of the previous meeting of the Standards and Ethics Committee consideration was given to the report following the Council's receipt of the final approved version of the LGA Model Code of Conduct on 23rd December 2020.

The Committee were, therefore, asked to consider the final version and to decide whether they would recommend it being adopted by the Council, and whether any amendments to the Model Code of Conduct would be appropriate. The Model Code, as per the LGA website set out the importance of the role of the Councillor and holding Councillors to account.

The attention of the Committee was drawn to the general principles of conduct expected of all councillors and the specific obligations in relation to standards of conduct with the aim of creating and maintaining public confidence in the role of Councillor and Local Government.

Whilst the new Code was not greatly different, it provided more guidance when the Code was to be applied.

The LGA would endeavour to review and evaluate the Code on an annual basis to ensure it remained fit for purpose and to consider any reasonable adjustments.

The Council would look to synchronise its own annual review with that of the LGA and would contact them accordingly to give sight to both reviews to this Committee for consideration before being recommended onto full Council.

The new Code was welcomed and whilst there were some slightly improved variations it also clarified some concerns relating to social media. It did not address or resolve the lack of sanctions that could be applied following complaints.

Adoption of the new Code would require further training and every effort would be made to put this in place, in accordance with the current pandemic regulations.

Resolved:- That the Committee recommends to Council that the LGA's Model Member Code of Conduct be adopted.

107. REVIEW OF COMPLAINTS

Consideration was given to the report presented by the Deputy Monitoring Officer, detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Town and Parish Councillors. The report listed the current cases of complaint and the action being taken in respect of each one.

Reference was made to each related case and recommended outcomes/actions identified were highlighted.

The Committee also received reports, circulated prior to the meeting, by the Deputy Monitoring Officer which set out the outcomes of two Standards and Ethics Sub-Committee Hearings which took place on

STANDARDS AND ETHICS COMMITTEE - 21/01/21

Monday, 18th January, 2021 in relation to two alleged breaches of the Code of Conduct; one in respect of an office of a Parish Councillor and the other as a Borough Councillor.

The findings and sanctions recommended by the Sub-Committees to be considered and endorsed by the Committee would be reported to Council on the 3rd March, 2021 for information.

The Committee listened carefully to each report and were satisfied that the actions set out were fair and proportionate and endorsed the recommendations for each hearing.

Resolved:- (1) That the report on complaints be received and the contents noted.

(2) That the outcomes and actions of the Standards and Ethics Sub-Committee Hearings on 18th January, 2021 be endorsed.

108. A REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY

Consideration was given to the report and appendix presented by the Deputy Monitoring Officer, which provided an overview of the Whistleblowing cases which had been received over the past year.

Particular reference was made to the appendix to the report which set out clearly the description of the concerns received and action taken.

Resolved:- That the Whistleblowing concerns raised over the previous year and the actions taken to address these matters be noted.

109. URGENT BUSINESS

The Chair advised that there were no urgent items of business requiring the Committee's consideration.

110. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee be held on Thursday, 18th March, 2021 at 2.00 p.m.

Committee Name and Date of Committee Meeting

Council – 3 March 2021

Report Title

Recommendation from Standards and Ethics Committee - LGA Model Member Code of Conduct

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Deputy Monitoring Officer/Service Manager, Legal Services
01709 823523 - stuart.fletcher@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Standards and Ethics Committee considered this report at its meeting on the 21st January, 2021 and now recommends that the LGA's Model Code of Conduct be adopted by the Council.

Recommendations

That Council adopt the LGA's Model Member Code of Conduct.

List of Appendices Included

Report to Standards and Ethics Committee - LGA Model Member Code of Conduct
Appendix 1 – LGA Model Member Code of Conduct
Appendix 2 - Current Members' Code of Conduct

Background Papers

CSPL – Review of Local Government Ethical Standards

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Yes

Exempt from the Press and Public

No

Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee – 21 January 2021

Report Title

LGA Model Member Code of Conduct

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Deputy Monitoring Officer/Service Manager, Legal Services
01709 823523 - stuart.fletcher@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

A report requesting that the Standards and Ethics Committee considers whether to recommend to Council that the LGA's Model Code of Conduct should be adopted by the Council.

Recommendations

1. That the Committee recommends to Council that the LGA's Model Member Code of Conduct be adopted.
2. That the Standards and Ethics Committee consider whether to recommend to Council any amendments to the LGA Model Member Code of Conduct.

List of Appendices Included

Appendix 1 – LGA Model Member Code of Conduct

Appendix 2 - Current members Code of Conduct

Background Papers

CSPL – Review of Local Government Ethical Standards

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

LGA Model Member Code of Conduct

1. Background

- 1.1 Members will recall the Committee on Standards in Public Life report into Local Government Ethical Standards being reported to the Committee in March 2019. One of the recommendations of the report was that the LGA review the current Model Member Code of Conduct, and prepare a revised model Member Code of Conduct.
- 1.2 As such the LGA held an event on Civility in Public Life with a range of stakeholders at the end of 2019 and three consultation workshops at the beginning of last year. Consultants which the LGA has retained have examined examples of good practice, both in local government and other professions and produced a draft model Member Code of Conduct which was reported to this Committee in June 2020. Members provided their views in respect of the draft model Code of Conduct and a consultation response was submitted subsequently on behalf of the Council, representing those views.
- 1.3 The LGA Consultation process on the draft Code ran for 10 weeks from Monday 8 June until Monday 17 August 2020 and consisted of:
 - Workshops of members and Monitoring Officers to discuss the approach and content of the revised Code
 - 4 webinars conducted with over 1000 participants
 - Over 1600 written responses to the consultation received.
 - Comments, questions and feedback provided during the webinar sessions
 - Stakeholder roundtable to discuss the response and next steps took place on 30.9.20
- 1.4 The second Draft model Code of Conduct was reported back to this Committee in November 2020 which members commented upon, and which feedback was again submitted to the LGA.
- 1.5 The final approved version of the LGA Model Code of Conduct was provided to the Council on the 23rd December 2020, and is at Appendix 1. As such, and as previously referred to, the final version is now brought back for consideration by the Committee as to whether it should be adopted by the Council, and whether any amendments to the Model Code of Conduct would be appropriate.
- 1.6 As previously stated, the introduction to the draft model Code of Conduct, setting out the importance of the role of the Councillor and holding Councillors to account, as taken from the LGA website is set out below:

Local Government Association Model Member Code of Conduct

The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

- 1.6 For ease of reference, the Council's current Members Code of Conduct is attached at Appendix 2.

2. Key Issues

- 2.1 Key issues are set out above.

3. Options considered and recommended proposal

- 3.1 Recommendations are set out above.

4. Consultation on Proposal

- 4.1 The consultation process undertaken in respect of the Model Code of Conduct for Members is set out above.

5. Timetable and Accountability for Implementing this Decision

- 5.1 If the Model Code of Conduct for Members is approved for adoption by the Council it will be reported to the next available meeting of the Council.

6. Financial and Procurement Advice and Implications

- 6.1 Any work undertaken by Legal Services in dealing with this matter is within the budget for Legal Services.

7. Legal Advice and Implications

- 7.1 The Council and the Standards and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. An appropriate Code of Conduct is an important part of complying with that duty.

8. Human Resources Advice and Implications

- 8.1 None.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 None.

10. Equalities and Human Rights Advice and Implications

- 10.1 None

11. Implications for Partners

- 11.1 None.

12. Risks and Mitigation

- 12.1 There is a risk that if the Council does not have an appropriate Code of Conduct, then public trust in local democracy could be undermined.

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

Report Author: Stuart Fletcher, Deputy Monitoring Officer/Service Manager,
Legal Services

01709 823523 - stuart.fletcher@rotherham.gov.uk

This report is published on the Council's [website](#).



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering

interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable pecuniary interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it

is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

ROTHERHAM BOROUGH COUNCIL
CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS

PART 1

General Provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of Rotherham Borough Council ("the Council").
- (2) It is your responsibility to comply with the provisions of this Code and uphold the seven principles of public life set out in Annex 1 to this Code.
- (3) In this Code –
 - A "meeting of the Council" means any meeting of –
 - (a) the Council;
 - (b) the Cabinet, a committee of the Cabinet or a member of the Cabinet acting under delegated powers;
 - (c) the Council's committees, sub-committees, joint committees, joint sub-committees, or area committees.

A "member" includes a co-opted member who is entitled to vote on any question that falls to be decided at any meeting that falls within paragraphs (a) – (c) above.

Scope

2. (1) Except when you are acting as a representative of the Council when sub-paragraph (2) applies, you must comply with this Code whenever you –
 - (a) conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of the Council.
- (2) Where you act as a representative of the Council –

- (a) on any of the authorities which are under a duty to have a similar code of conduct to this Code, you must comply with that authority's code of conduct when acting for that authority;
- (b) on any organisation or body that is not obliged to have a code of conduct, you must comply with this Code except to the extent that this Code conflicts with any other lawful obligations to which that other organisation or body may be subject.

General obligations

- 3. (1) You must treat others with respect.
- (2) You must not –
 - (a) do anything which may cause the Council to breach any of the equality duties;
 - (b) bully any person;
 - (c) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- 4. You must not –
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
6. You –
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself, or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of the Council –
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's –
 - (a) chief finance officer (the Strategic Director of Resources); or
 - (b) monitoring officer (the Director of Legal and Democratic Services),where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
8. Guidance as to the operation and interpretation of this Code of Conduct is provided by the principles set out in the supplemental document, attached hereto entitled "A healthy system of democratic leadership and accountability"

PART 2

Interests

Personal interests

8. You have a personal interest in any business of the Council where either it relates to or is likely to affect –
- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
 - (ii) any body –
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes;
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); or
 - (dd) which is a private club or society, such as the Freemasons, a recreational club, working men's club or private investment club,of which you are a member or in a position of general control or management;
 - (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; or
 - (iv) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of you or a member of your family or a close friend or someone with whom you have a close association to a greater extent than it would affect the majority of other council tax payers, ratepayers or inhabitants of your ward or electoral area.

Disclosable pecuniary interests

- 9 (1) You have a "disclosable pecuniary interest" in any business of the Council where it is a pecuniary interest of yours or a pecuniary interest of –
- (a) your spouse or civil partner,

(b) a person with whom you are living as if husband and wife, or

(c) a person with whom you are living as if you are civil partners

and you are aware that that other person has the interest and the interest falls within the categories of pecuniary interests classed as disclosable pecuniary interests in regulations made by the Secretary of State from time to time under section 30 (3) of the Localism Act 2011.

(2) The current disclosable pecuniary interests are listed in Annex 2 to this Code.

Notification of interests

10. You must notify the Council's monitoring officer of any interest that is classed as a personal interest or a disclosable pecuniary interest –

(a) within 28 days of becoming a member or co-opted member of the Council;

(b) within 28 days of acquiring any interest or becoming aware of any such interest;

(c) within 28 days of any change to an interest that you have previously registered; or

(d) within 28 days of disclosing an interest at a meeting of the Council

Disclosure of interests

11. (1) Where you have a **personal interest** in any business of the Council and you attend a meeting of the Council at which the business is considered unless the interest is a sensitive interest (see subparagraph (3)), you must disclose the existence and nature of that interest and then consider whether the interest is of such significance that it warrants withdrawal from and no further participation in the discussion or vote on that item, with any such withdrawal from the meeting being recorded in the minutes.

(2) Where you have a **disclosable pecuniary interest** in any business of the Council and you attend a meeting of the Council at which the business is considered, unless the interest is a sensitive interest (see sub-paragraph (3)), you must disclose the existence and nature of that interest and, unless you have been granted a dispensation (see sub-paragraph (4)), you must not take part in the discussion or vote on that

item and must withdraw from the meeting room, including the public gallery, before the item is considered by the meeting.

- (3) You need not disclose the nature of any **personal interest** or **disclosable pecuniary interest** in an item of business where the Council's monitoring officer considers that disclosure of the details of the interest ("a sensitive interest") could lead to you or a person connected with you being subject to violence or intimidation.
- (4) Sub-paragraph (2) and (3), do not apply where the monitoring officer or the Standards Committee, as the case may be, has granted a dispensation to enable you to take part in the discussion of, or vote on that item, or both.

Offences

12 You commit an offence if without reasonable excuse –

- (a) you fail to notify the monitoring officer within 28 days of becoming a member of the Council of any disclosable personal interests that you have;
- (b) you fail to disclose at a meeting of the Council the nature and extent of a disclosable pecuniary interest that you have, and are aware of having, in an item of business that is being considered at the meeting, unless –
 - (i) the interest is a sensitive interest and paragraph 11 (3) applies;
 - (ii) the interest is entered in the Register of Members' Interests maintained by the monitoring officer; or
 - (iii) the monitoring officer has been notified that you have such an interest but the register has not yet been updated ("a pending notification");
- (c) you fail to notify the monitoring officer of a disclosable pecuniary interest that you have disclosed at a meeting of the Council, or where you are a member of the Cabinet at your delegated powers meeting, as the case may be, within 28 days of the date on which you made the disclosure;
- (d) you participate in any discussion of, or vote on, any item of business at a meeting of the Council in which you have a disclosable pecuniary interest of which you are aware, unless you have been granted a dispensation in accordance with paragraph 11 (4), or

- (e) you have a disclosable pecuniary interest of which you are aware in any item of business to be dealt with, or being dealt with, by you as a member of the Cabinet acting under delegated powers and despite having that interest continue to deal with that item of business, except where such dealing is for the purpose of arranging for the item to be dealt with otherwise than by you.

Terms within this Code of Conduct are given their normal English meaning, for example, to bully is defined in the Oxford English Dictionary as “to use superior strength or influence to intimidate (someone) typically to force them to do something”

The Seven Principles of Public Life

Selflessness

1. Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

2. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

3. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

4. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

5. Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

6. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

7. Holders of public office should promote and support these principles by leadership and example.

DISCLOSABLE PECUNIARY INTERESTS

In accordance with Section 30(3) of the Localism Act 2011 a pecuniary interest is a “disclosable pecuniary interest” in relation to a member, if it is of a description specified below and either

- is an interest of the member, or
- is an interest of:-

the member’s spouse or civil partner

a person with whom the member is living as husband and wife, or

a person with whom the member is living as if they were civil partners,

and the member is aware that the other person has the interest.

However it should be noted that the disclosure of sponsorship is only in relation to the sponsorship of the member and not in relation to a spouse or civil partner.

In the Table below –

“body in which you have a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“relevant period” means the period of 12 months ending with the day on which M gives notification of a disclosable pecuniary interest;

“relevant person” means you (as a member) or your spouse or civil partner; a person with whom you are living as husband and wife; or a person with whom you are living as if you were civil partners;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

DISCLOSABLE PECUNIARY INTERESTS

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Council – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant Council.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer
Corporate tenancies	Any tenancy where (to the member's knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which the relevant person has a beneficial interest
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total

	issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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A healthy system of democratic leadership and accountability

As councillors for the Borough in 2015 we understand the special responsibilities we bear. The Council must improve and we are confident that improvement has begun. The Council needs to increase public confidence. As councillors we need to demonstrate we are learning from the past and mindful of the high standards we set for ourselves and that others demand.

Councillors have a number of roles. We need to be accessible and approachable to our ward constituents, whether they voted for us or not, and willing to ensure the Council hears and responds to their needs appropriately. We need to help increase local communities' ability and willingness to pull together and find local solutions to common problems. We need to lead and scrutinise the service delivery of the paid staff. And we want to plan for the future of the Borough and make decisions about the best ways to increase prosperity, ensure wellbeing and provide opportunities.

We believe politics is about debate and sometimes argument. Such debate helps the Council decide what to do and how to do it. We are currently debating how to organise ourselves within the council but however this is determined all councillors have both individual, Group and collective responsibilities. We know that political arithmetic matters. A Party with a majority can expect to win votes if it agrees on a course of action. Minority parties accept this. In return all parties accept they should seek to find common cause where they can whilst disagreeing where they think they must.

We want a reputation as councillors who are credible, responsible and self-critical. As part of this we have come together on a cross-party basis to discuss a new local code, in which we commit to high standards, more specific and detailed than the national code of conduct which binds all councillors. This local code should therefore be read as supplementing that document which already outlaws bullying, requires close attention to conflicts of interest, holds us to keep private matters confidential and commits us to the seven principles of public life.

In many ways this code breaks no new ground. Our councillors live these standards every day. But we recognise that by writing these standards down we show how serious we are about our personal and Group self-discipline.

This is what we want to do:

Be respectful

1. Always remember the importance of those individuals and communities who need the council's services.
2. Ensure our words and actions are free from prejudice and improper discrimination.
3. Get the basics right and be courteous and reliable in all our dealings with the public.
4. Understand the legal requirements on the Council.

5. Always be mindful that we are responsible for other people's money.
6. Be clear with the staff of the council about our ambitions and expectations whilst treating them with respect.
7. Act, dress and carry ourselves in a way that invites others to respect our efforts.

Be imaginative

8. Be energetic and be ambitious; looking ahead to what needs to change.
9. Encourage others to take an interest in the Council.
10. Use evidence of what works elsewhere to improve our decision-making.
11. Advocate for those individuals and communities who need our help.
12. Widen the circle of those contributing to local life.
13. Never be complacent and try to learn from others and be open to new ideas.

Be open-minded

14. Accept if we have got things wrong and try to put things right
15. Commit to personal development to improve our understanding, skills and confidence.
16. Challenge those who fall below the high standards we believe in.
17. Avoid giving personal criticism, whilst being willing to vigorously debate ideas and principles
18. Resist taking offence too easily, recognising that politics requires resilience.
19. Understand our personal accountability and engage with the press and others to explain our work
20. Escalate any individual concerns responsibly, using agreed systems of the Council.

AUDIT COMMITTEE
19th January, 2021

Present:- Councillor Wyatt (in the Chair); The Mayor (Councillor Jenny Andrews), Councillors Cowles, Vjestica, Walsh and Mr. J. Barber (Independent Person).

Gareth Mills and Thilina De Zoysa, Grant Thornton (External Auditors).

135. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

136. QUESTIONS FROM MEMBERS OF THE PUBLIC OR THE PRESS

There were no members of the press or public present at the meeting.

137. MINUTES OF THE PREVIOUS MEETING HELD ON 24TH NOVEMBER, 2020

Consideration was given to the minutes of the previous meeting of the Audit Committee held on 24th November, 2020.

The final report of the external inspection of Internal Audit, which took place late last year, would be submitted to the March meeting of the Audit Committee. However, the draft report gave a finding of general conformance with the Public Sector Internal Audit Standards. It should be noted that there were only 3 possible outcomes of an inspection i.e. general confirm, partial confirm or do not confirm, therefore, it was the best possible result for the Authority to achieve.

Resolved:- (1) That the minutes of the previous meeting of the Audit Committee be approved as a correct record of proceedings.

(2) That the response received in respect of Minute No. 132(2) (Risk Management Directorate – Assistant Chief Executive) be circulated to all Committee Members.

(3) That the final report of the external inspection of Internal Audit be submitted to the March meeting of the Audit Committee.

138. OVERVIEW OF CORPORATE GOVERNANCE

Sharon Kemp, Chief Executive, gave the following powerpoint presentation on Governance, Audit and Risk:-

AUDIT COMMITTEE - 19/01/21

Personal Oversight

- Monthly receipt of Internal Audit reports
- Regular Monitoring Officer meetings
- Quarterly Statutory Officer meetings:-
 - Complaints
 - Human Resources
 - Internal Audit
 - Whistleblowing
- Quarterly External Audit meetings
- Review and sign off of the Annual Governance Statement

Strategic Leadership Team

- Internal Audit:-
 - Review Annual Plan and Annual Report
 - Regular review of progress against Plan and reports issued
 - Monthly reviews of outstanding actions
- Quarterly review of Corporate Risk Register

Covid

- Gold and Tactical Group
- Hierarchy/workstreams
- Actions and decision making
- Threat and Risk Assessments

Discussion ensued with the following issues highlighted:-

- The majority of the Council's services were running as they had been pre-pandemic
- One of the first Councils in the country to post its decision records on the website. The same process for delegated decisions under the remit of Covid was also used
- Emergency Cabinet meetings had been held as and when needed
- Open and transparent discussion with Grant Thornton, External Auditors

The Chair thanked Sharon for her presentation and for her support to the areas of interest for the Audit Committee.

139. MID-YEAR TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING REPORT – 2020-21

Consideration was given to the report presented by the Head of Corporate Finance outlining the mid-year treasury review which also incorporated the needs of the Prudential Code to ensure adequate monitoring of the capital expenditure plans and the Council's Prudential Indicators.

The review, as set out in the Appendix submitted, provided detail of mid-year performance against the plan, the key changes to the Council's capital activity (the PIs) and the actual and proposed treasury management activity (borrowing and investment).

With regard to investments, the primary governing principle remained security over return and the criteria for selecting counterparties continued to reflect this.

The Council would maintain its strategy of being under-borrowed against the capital financing requirement and continue to use local authority short term borrowing to meet all borrowing requirements as the most cost effective approach in the current financial climate. The position would remain under review with an update on the Strategy being submitted to Members within the Budget and Council Tax 2021/22 report to Council in March, 2021.

With regard to governance, strategies and monitoring were undertaken by the Audit Committee.

The report illustrated how the underlying economic and financial environment remained difficult for the Council, foremost being the improving, but still challenging, concerns over investment counterparty risk. This background encouraged the Council to continue maintaining investments short term and with low risk counterparties, the downside of such a policy being that investment returns remained low. This situation had been further exacerbated by the economic impact of the Covi-19 pandemic, that had seen the Bank of England base rate fall to 0.1%.

As the Council continued to utilise the short term borrowing market to generate interest rate savings as part of approved budget plans, the level of short term borrowing will continue to rise. As a result of this, the Council increased its prudential indicator for borrowing volumes with a maturity date less than 12 months to 25% of total borrowing as part of the 2020/21 Treasury Management Strategy. Whilst the Covid-19 pandemic has seen severe impacts to the global economy, its reduction in the base rate had also led to a significantly reduced cost of short-term borrowing, enabling the Council to generate greater savings from its Strategy.

On 26th November PWLB had made a significant change to their long-term borrowing rates decreasing them all by 1%. The key features of this change were to allow local authorities to access cheaper long term borrowing but under a more restrictive borrowing arrangement that would allow the PWLB to prevent borrowing for commercial investments. The PWLB would no longer lend to any local authority that had any plans to buy investment assets primarily for yield anywhere in their capital programme. The immediate impact of this decision had seen PWLB 50 year borrowing levels fall to 1.5% and below but with that short-term borrow falling, to as little as 0.3% for 3 months, for example. The Council

kept interest rates under constant review within its borrowing strategies and decisions on the mix of long-term and short-term borrowing.

The Strategic Director for Finance & Customer Services confirmed that the basis of the Treasury Management Strategy, the Investment Strategy and the PIs (aside from the under 12 months indicator referenced above) had not changed from that set out in the approved Treasury Management Strategy (February 2020).

Discussion took place with the following issues raised/clarified:-

- The short term borrowing strategy would continue to be utilised whilst ever the current economic situation remained. A trigger would be activated should interest rates start to rise on long term loans and the strategy reviewed
- There had been slippage in the capital schemes as a result of Covid-19
- The PWLB would no longer allow long term borrowing to a local authority whose capital programme contained projects solely for commercial investment
- Rotherham's portfolio of borrowing was mixed in terms of historical borrowing of higher interest rates which would be refinanced as and when appropriate

Resolved:- That the report be noted.

140. ANNUAL AUDIT LETTER

Gareth Mills, Engagement Lead, reported that Grant Thornton had issued an unqualified opinion on the Council's financial statement on 4th December, 2020, and presented the Annual Audit Letter (AAL) 2019/20 summarising the external audit work in relation to the 2019/20 audit plan and highlighted the findings in relation to the following:

Value for Money Conclusion

Audit of Financial Statements

Any Other Matters the external auditor was required to communicate.

The main headlines from the AAL in relation to the accounts and other audit responsibilities were that:-

- An emphasis of matter paragraph had been included in the report in respect of the uncertainty over valuations of the Council's land and buildings, including investment properties, and the Authority's share of the pension fund's property investments given the Coronavirus pandemic. This did not affect Grant Thornton's opinion that the statements gave a true and fair view of the Council's financial position and its income and expenditure for the year

- Whole of Government Accounts – work was being completed on the Council's consolidation return following guidance issued by the National Audit Office (NAO). Once completed, a certificate would be issued (hopefully by the end of the month)
- Management Over-ride of Controls – no issues arising from the work which needed to be brought to the Authority's attention
- The Council's financial statements were produced to a good standard. Some immaterial disclosure misstatements which were not adjusted in the financial statements had been identified but had no impact on the audit opinion issued on 4th December, 2020
- The Annual Governance Statement and Narrative Report had been reviewed and both found to have been prepared in line with the CIPFA Code and relevant supporting guidance. Both documents were consistent with the financial statements prepared by the Council and Grant Thornton's knowledge of the Council

Discussion ensued with the following issues highlighted:-

- The situation with the Dedicated School Grant deficit and the need for higher level funding was a national issue and not unique to Rotherham
- It was felt that the audit deadline for 2020/21 of September would be achievable
- Work had taken place with the Finance Team during 2018/19 around the McCloud judgement

Resolved:- That the final Annual Audit Letter 2019/20 presented to the Council by its external auditors, Grant Thornton, be noted and approved for publication on the Council's website.

141. EXTERNAL INSPECTIONS, REVIEWS AND AUDITS UPDATE

Consideration was given to a report, presented by Simon Dennis, Corporate Improvement and Risk Manager, providing details of recent and current external audits and inspections including the details of arrangements that were in place regarding the accountability and governance for implementing recommendations arising therefrom.

Since the last report to Committee in August, 2020, 5 external inspections, reviews and audits had taken place and 11 recommendations made 2 of which had been implemented and 9 were outstanding. In addition 3 of the ongoing recommendations in relation to external inspections, reviews and audits that took place prior to August, 2020, had now been implemented, 11 remained outstanding/ongoing and one was still awaiting the final report.

AUDIT COMMITTEE - 19/01/21

The report included detail of progress being made in respect of the following specific areas and Directorates:-

- Children and Young People's Services
- Adult Care and Housing
- Regeneration and Environment Services
- Finance and Customer Services
- Assistant Chief Executive

Resolved:- (1) That the report be received and its contents noted.

(2) That the governance arrangements that were currently in place for monitoring and managing the recommendations from external audits and inspections, as now reported, be noted.

(3) That the Audit Committee continue to receive regular reports in relation to external audit and inspections and the progress made in implementing recommendations.

142. AUDIT COMMITTEE FORWARD PLAN

Consideration was given to the proposed forward work plan for the Audit Committee covering the period March, 2021 to January, 2022.

Resolved:- That the Audit Committee forward plan, now submitted, be supported and any amendments arising actioned in due course.

143. ITEMS FOR REFERRAL FOR SCRUTINY

There were no items for referral to Scrutiny.

144. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006 (information relates to finance and business affairs).

145. REGENERATION AND ENVIRONMENT DIRECTORATE RISK REGISTER

Paul Woodcock, Strategic Director Regeneration and Environment, supported by Tom Smith (Assistant Director, Community Safety and Streetscene), Simon Moss (Planning, Regeneration and Transport) and Leanne Buchan (Head of Creative Planning and Engagement), presented a report providing details of the Risk Register and risk management activity within the Regeneration and Environment's Directorate.

The Committee sought reassurance on the Risk Register and risk management activity in particular highlighting:-

- How the Register was maintained/monitored and at what frequency
- Involvement of the Cabinet Members for Jobs and the Local Economy, Waste Roads and Community Safety and Cleaner, Greener Communities
- How risks were included on and removed from the Register
- Anti-fraud activity in the Directorate

Discussion ensued with the following issues raised:-

- Consideration of the Register at the Directorate Leadership Team meetings and the Senior Management Team meetings
- 18 risks in total on the Directorate Risk Register of which 3 were included on the Strategic Risk Register i.e. ensuring effective emergency planning and business continuity, to maintain a safe and operational property estate and achieving economic growth
- Work with the Audit Team to look at areas where there were high levels of income/cash handling
- BDR Waste Treatment Plant – insurance, fire suppression works
- Impact of Covid-19 on the local economy and town centre

Resolved:- That the progress and current position in relation to risk management activity in the Regeneration and Environment Directorate, as detailed in the report now submitted, be noted.

146. CORPORATE RISK REGISTER AND UPDATE ON RISK MANAGEMENT ARRANGEMENTS DURING THE COVID-19 RESPONSE

Simon Dennis, Corporate Improvement and Risk Manager, presented the current Strategic Risk Register which summarised the current position of the Register and also provided additional background on the role of risk management in the Council's response to the Covid-19 pandemic.

The report detailed the overall arrangements during the pandemic which had included:-

- The group of appointed Directorate Co-ordinators, together with the Business Continuity Team, continued to meet twice weekly once as part of the Council's Continuity Workforce and Recovery Cell and once as a specific co-ordinators' group
- The Group continued to ensure that directorate situation update reports were submitted to Gold group

- The cross-Directorate workstreams focussed on specific aspects of the response to, and subsequent recovery from, Covid-19 with each workstream responsible for maintaining an up-to-date “threat and risk document”
- The combined Threat and Risk Assessment for the pandemic was managed by the Corporate Improvement and Risk Manager

Due to the significant level of activity across the Council, the “normal” Corporate Risk Management processes had been suspended with the risks on the Strategic Risk Register continued to be managed by Directorates. However, the Register had recently been revised and considered by the Strategic Leadership Team and the process for regular consideration recommended.

The Corporate Strategic Risk Register had been updated with the removal of one risk and the addition of 3. It was now aligned with the Year Ahead Plan with arrangements in place to ensure ongoing review at SLT. The Council's Risk Management Policy and Guide would now be revised and a refresh required before the new financial year to ensure alignment to current practice.

Resolved:- That the report be noted.

147. INTERNAL AUDIT PROGRESS REPORT FOR THE PERIOD 1ST NOVEMBER TO 31ST DECEMBER 2020

Consideration was given to a report presented by David Webster, Head of Internal Audit, which provided a summary of Internal Audit work completed during 1st November to 31st December, 2020, and the key issues that had arisen therefrom.

The current position with regard to the Internal Audit Annual Plan was set out in Appendix A of the report submitted. The Plan would need to remain flexible and consultation would be ongoing throughout the remainder of the year to allow for any developments relating to Covid-19. Appendix B set out the minor updates to the Plan.

9 audits had been finalised since the last Committee meeting including 5 receiving Substantial Assurance, 5 Reasonable Assurance and 1 Partial Assurance. Audit opinions and a brief summary of all audit work concluded since the previous meeting were set out at Appendix C.

There had been no unplanned responsive work into any allegations of fraud, corruption or other irregularity.

Internal Audit's performance against a number of indicators was summarised in Appendix D.

Appendix E showed the number of outstanding recommendations that had passed their original due date, age rated. The number of aged outstanding actions had decreased slightly to 39.

Discussion ensued on various matters contained within the agreed actions section of the report which included:-

- 2 Internal Auditors were now working on Business Grants
- Work had commenced on the 2021/22 Internal Audit Annual Plan and would include any work that had not been completed in the current financial year. The exercise completed by Salford Internal Audit Services to identify IT audits would also inform the planning process
- As a result of the presentation to Assistant Directors/Heads of Service, amendments had been made and realistic dates for completion of actions set. Providing the revised target date was achieved, the number of outstanding actions should reduce over the next 3-4 months

Resolved:- (1) That the Internal Audit work undertaken since meetings of the Audit Committee, 1st November to 31st December, 2020, and the key issues arising therefrom be noted.

(2) That the information submitted regarding the performance of Internal Audit and the actions being taken by management in respect of the outstanding actions be noted.

148. URGENT BUSINESS

There was no urgent business to report.

149. DATE AND TIME OF NEXT MEETING

Resolved:- That a further meeting be held on Tuesday, 23rd March, 2021 commencing at 2.00 p.m.

HEALTH AND WELLBEING BOARD
13th January, 2021

Present:-

Councillor David Roche	Cabinet Member, Adult Social Care and Health (in the Chair)
Ben Anderson	Director of Public Health, RMBC
Steve Chapman	South Yorkshire Police
Lesley Cooper	Healthwatch Rotherham
Dr. Richard Cullen	Strategic Clinical Executive, Rotherham CCG
Chris Edwards	Chief Operating Officer, Rotherham CCG
Councillor R. Elliott	Health Select Commission
Shafiq Hussain	Chief Executive, Voluntary Action Rotherham
Suzanne Joyner	Strategic Director, Children and Young People's Services, RMBC
Sharon Kemp	Chief Executive, RMBC
Anne Marie Lubanski	Strategic Director, Adult Care, Housing and Public Health, RMBC
Councillor J. Mallinder	Improving Places Select Commission
Dr. Jason Page	Governance Lead, Rotherham CCG
Kathryn Singh	RDaSH
Michael Wright	Deputy Chief Executive, Rotherham Foundation Trust (representing Richard Jenkins)

Report Presenters:-

Colin Ellis	Occupational Health Advisor
Ruth Fletcher-Brown	Public Health Specialist
Kate Green	Public Health Specialist, RMBC
Scott Matthewman	Interim Assistant Director, for Commissioning

Also Present:-

Gavin Jones	South Yorkshire Fire and Rescue Service
Becky Woolley	Policy Officer, RMBC
Dawn Mitchell	Governance Adviser, RMBC

Apologies for absence was received from Councillor Watson and Paul Woodcock (RMBC).

130. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

131. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no questions from members of the press and public.

132. COMMUNICATIONS

It was noted:-

The Board's response to Community Care Next Steps paper had been submitted in accordance with the 8th January, 2021 deadline. The Chair thanked Board members for providing comments.

Healthy Weight Group – any member who wished to become involved in the Group/Chair the Group should contact Becky Woolley as a matter of urgency.

133. MINUTES OF THE PREVIOUS MEETING HELD ON 11TH NOVEMBER, 2020

The minutes of the previous meeting of the Health and Wellbeing Board were considered.

Resolved:-

(1) That the minutes of the previous meeting held on 11th November, 2020, be approved as a correct record.

(2) That Sharon Kemp follow up Minute No. 124(2) (5 Ways to Wellbeing video).

Action:- Sharon Kemp to follow up

134. UPDATE FROM THE LOCAL OUTBREAK ENGAGEMENT BOARD

Sharon Kemp, Chief Executive RMBC, together with Ben Anderson, Director of Public Health, and Chris Edwards, Chief Operating Officer RCCG, gave the following verbal update on behalf of the Local Engagement Board:-

The country had gone into another national lockdown as from 4th January, 2021. Briefings had taken place across the different partners in terms of the new rules and guidance. In terms of the current restrictions, Legislation had been laid until March with review periods within which allowed different restrictions to be put in place if the Government deemed it.

Rotherham Incident Management - activity continued with the Bronze Group meeting on a daily basis; this Group met with a range of partners looking at key local issues and ensured that actions was taken.

Health Protection Board – Ben Anderson now Chaired the meeting which continued to meet weekly. The Outbreak Engagement Board meeting every 2 weeks.

Testing Facilities - There were still 4 testing facilities in Rotherham – Midland Road, Forge Island, Dinnington and Maltby. There was capacity within the system so no challenges were being seen within those testing centres. A lateral flow testing facility had now opened in Riverside House.

Community Testing - Announcements had been made recently with regard to community testing focussing on those who had to go to work and were asymptomatic. The prospectus from Government had only been received the previous evening so was currently being looked at to ascertain what was being offered to local areas and would be considered at the Local Outbreak Engagement Board.

Epidemiology – As of 6th January, the current data report showed that the case rate was 307.4 per 100,000 down on the previous 2 days i.e. 326 cases as of 4th January.

This level put Rotherham mid-table for Yorkshire and Humber and in the bottom 25% nationally.

With regard to the over 60's, the rate was 250.6 per 100,000, significantly lower than the national average but still a high rate and the age group which put most of the pressure on to the Trust. However, there were very high rates in younger adults. Currently the average age of patients in the Trust was in the high 50 age group rather than the over 60's.

Prevalence of the new variant of Covid in Rotherham – Data received from Public Health England this week showed that at the end of December up to ¼ of Rotherham's cases were of the new variant. It was really important for the Board to be aware that the new variant was in Rotherham but not the most prevalent variety at the moment but, because of the evolution of the disease, it was expected to become predominant over the new few weeks/months with the effects of lockdown reducing the spread. It was likely that the lockdown would reduce the spread of the old variant because of it being less transmissible.

All the health and social care workforce needed to be made aware of existence of the new variant as its high transmissibility rate did mean that any lapse in PPE and good Covid safe practice was more likely to have worse consequences. That also applied to the rest of community in terms of individuals and wider workplaces, education settings etc.

Vaccinations – There were 6 vaccination sites in Rotherham – the Hospital (focussing on health and social care staff) together with 5 primary care GP-based vaccination centres – Bramley, Anston, Wath, St. Ann's and Rawmarsh – which were patient focussed. It was a real success story with general practices in Rotherham having done a fantastic job.

The latest figure was that in South Yorkshire 72,000 people had been vaccinated already.

It was expected that Rotherham and South Yorkshire should be able to meet the Prime Minister's target of all the 4 top groups vaccinated by mid-February.

Resolved:-

That the update be noted.

135. AIM 1: ALL CHILDREN GET THE BEST START IN LIFE AND GO ON TO ACHIEVE THEIR FULL POTENTIAL

Suzanne Joyner, Strategic Director CYPS, and Dr Jason Page, Rotherham CCG, gave the following powerpoint presentation:-

Aim 1 – All children get the best start in life and go on to achieve their full potential

Priority 1: Develop our strategy for a positive 1001 days – What's Working Well

There continues to be a focus on delivering against the ambition of plans to transform maternity care

- TRFT continue to work towards achieving the Continuity of Care target of 35% by March 2021 (currently exceeding target – 38% as at December 2020)
- TRFT engaged in all of the Maternity Transformation Plan workstreams
- The prevention maternity workstream was progressing well with smoking in pregnancy, infant feeding and healthy weight taking priority
- An action being was being developed to enhance maternity engagement with BAME and vulnerable groups

Adult Care, Public Health and Housing Directorate will lead the strategic re-commissioning of the 0-19 Service:

- A Project Board has been established
- The Board was recommending that a Cabinet paper be developed with revised timelines and seeking permission to re-tender the Service acknowledging the delays that have been incurred due to the pandemic
- The revised timeline would support wider consultation and collaborative commissioning between Public Health and CYPS
- The re-commissioned Service would be fully aligned with wider children's pathways and would develop pathways with other Public Health commissioned services including Sexual Health and Weight Management

Issues to address

- It had not been possible to realise the full potential of mapping the services and support available across the first 1001 days of a child's life

- Capacity for ongoing engagement from providers and stakeholders was likely to remain challenging as the system responds to the Covid-19 pandemic
- Capacity for commissioning 0-19s and the market for provider response was challenging and may require the consideration of extension to the current contract
- For maternity there was reduced capacity within the SY&B ICS Team to co-ordinate activity across the areas until vacant posts were recruited to

Next Steps

- Refresh the Rotherham Local Maternity Transformation Plan
- Continue engagement with maternity stakeholders particularly in relation to the smoking in pregnancy, infant feeding and healthy weight priority areas of work
- Rotherham to input into the future development of the SY&B Maternity Prevention Work Plan to embed outcomes and emerging themes from consultation
- Formal agreement of 0-19 re-commission plans by RMBC Cabinet
- Implementation of plans to re-commission the 0-19 Service including full stakeholder engagement and exploration of opportunities to align delivery across services to meet the priority needs of Rotherham children and deliver the National Healthy Child Programme
- Linking in with Healthy Weight work taking place within Aim 3

Priority 2: Support positive mental health for all children and young people – What's Working Well

- The implementation of the Mental Health Trailblazer in Schools 'With Me in Mind' was demonstrating positive outcomes
- The second mental health survey ran between 1st-26th October. 4,203 young people participated in the survey. This was a 35% increase from the 2,737 that participated in June 2020. The findings had also been shared with CYPS leadership teams and the Public Mental Health and Wellbeing COVID Group for them to identify any actions to address key areas of concern
- DFE Wellbeing for Education Return programme has been rolled out across schools during the Autumn terms. 141 participants had attended and then cascaded learning onwards in their school
- Rotherham's Neuro-Developmental Pathway had been re-designed to ensure that children were supported regardless of whether they had a formal diagnosis

Issues to address

- Children and young people were reporting that Covid-19 was having an impact on their mental health
- Whilst positive that this was being recognised, there was a need to support the school workforce and wider system to respond to children and young people's needs

- The results from the October 2020 survey compared to June 2020 showed that:
 - 7% increase in young people feeling anxious
 - 11% increase in young people feeling stressed
 - A decline in young people feeling positive and managing problems well
 - An increase in young people feeling confused, uncertain and sad

Next steps

- Schools will use the findings of the mental health survey to support children and young people across the new term
- Plans may now need to be revised in light of announcements of further school closures
- The importance of supporting staff wellbeing has been highlighted through the DfE Wellbeing for Education Return programme
- An ongoing programme of CPD and opportunities for networking/sharing good practice was being developed
- Rotherham was preparing to bid for any forthcoming opportunities to extend Future in Mind
- The annual Lifestyle Survey would integrate questions from the mental health survey in 2021
- The Covid-19 Mental Health Group and Social, Emotional and Mental Health Strategy Delivery Group would retain oversight of these areas of work

Priority 3: Support children and young people to achieve their full potential – What's Working Well

- As part of the national lockdown, vulnerable groups and children with Education, Health and Care Plans continued to have access to education despite the wider school closures. RMBC and school were prioritising access to education for these groups and other cohorts which could be determined vulnerable
- A well embedded and supported Incident Management structure was in place to support Covid-19 clusters and outbreaks. This was a supportive and multi-agency response which provided additional access to direct support for schools and their students
- The Elective Home Education (EHE) multi-agency governance group had remained a strong mechanism to make sure a strong level of support was available for students/families who had elected to home educate. Work had taken place with Ofsted to look at areas of development across this
- SEND Strategic Board had developed an outcomes framework and performance dashboard to monitor the impact of school closures and intermittent school attendance on children and young people with SEND

Issues to address

- The continued impact of Covid-19 was having on education was clear. The new national lockdown would limit the access to education for only defined groups and the wider holistic support that schools had on the wellbeing of its students would be impacted. Schools would move to supportive working practices but the face-to-face supportive interaction that was offered through school support raised a clear concern
- Increased EHE numbers across the Autumn term sat outside normal trends. The primary reason given from the elective choice to home education (60% of new students) was fears around Covid-19 and contraction of the virus in schools
- The ongoing impact of the pandemic on the wider wellbeing of children and young people was a key concern. With a number of student groups having reoccurring periods of self-isolation, the continuum of support provided by schools was being disrupted. Although schools were adapting to meet the needs of their students, the visibility of vulnerable students remained an area of concern

Next steps

- The prioritisation of EHE in discussions with school leaders, Ofsted and the DFE was an ongoing priority. Outreach work and support to provide families with the full overview of EHE responsibilities and routes of support continued to be enhanced
- Close work with school leaders to look at ways of minimising the impact of Covid-19 on school attendance, wider regular testing and daily testing would be available for secondary schools from January 2021. The prioritising of students that were vulnerable or had a Social Worker had been enhanced as part of the phased start to Spring term in the secondary phase of education

Discussion ensued with the following issues raised/highlighted:-

- Strong engagement with the Office of the Regional School Commissioner
- Recommended work to re-establish the Rotherham Education Strategy Group which was key and would continue to help drive that strong collaboration across the sector
- SEND Sufficiency work continued at a pace
- Was there a better understanding from the results of the Mental Wellbeing survey conducted of any impacts on children or any actions/priorities schools should be taking? This would also be picked up by the Public Mental Health and Health Wellbeing Covid Group

Suzanne and Jason were thanked for their presentation.

Resolved:-

- (1) That the presentation be noted.

(2) That the Strategic Director of Children and Young People's Services ascertain if there was a deeper analysis of the results of the Mental Wellbeing survey available.

Action:- Suzanne Joyner

136. AIM 3: ALL ROTHERHAM PEOPLE LIVE WELL FOR LONGER

Sharon Kemp, Chief Executive RMBC, gave the following powerpoint presentation:-

Priority 1: Build a social movement to support local people to be more physically active to benefit physical and mental wellbeing – What's Working Well?

The Moving Rotherham Partnership leading and supporting with:

- Launched #MovingRotherham campaign
- Sport England 'Tackling Inequalities Fund' funded 21 projects
- Shaping Places for Healthier Lives – discovery stage project looking at physical activity and green spaces
- Local 'Beat the Street' project commissioned – 'game phase' taking place from 17th March 2021
- Women's Euros taking place 2022 and local 'Legacy Plan' developed

Issues to address

- Not enough people physically active in Rotherham
- Covid-19 having deconditioning effects on older people
- Loss of lean body mass can result in decreased immunity and increased risk of infection
- Main motivation for older people to be active was social contact
- Covid shown we need to think about 'physical activity' differently – building movement into every day life

Next Steps

- Continue to push #MovingRotherham through the Rotherham Activity Partnership
- Develop local MECC physical activity training package to roll out
- Utilise free resources including Moving Professionals and Clinical Champions training where appropriate
- Communication messages linked to 'Be Active' theme as part of 5 Ways to Wellbeing

Priority 2: Ensure support is in place for carers – What's working well

- Monthly partner meetings in place to ensure unpaid carers were supported throughout the pandemic
- 142 unpaid carers had accessed the Carers Grant – C19 Funding Programme delivered by Crossroads Care on behalf of the Council
- Regular update meetings with Carers Forum in place to ensure information reaches unpaid carers in a timely manner
- Work underway with partners to refresh the Rotherham Carers Strategy

- Review of the Carers Centre underway to look at what unpaid carers would need from a future face-to-face offer
- Working with colleagues from around Yorkshire and Humber to share ideas and explore best practice to ensure the future Rotherham unpaid carer offer was of the highest quality

Issues to address

- National lockdown – creating impact on carers with increased anxiety, loneliness and isolation
- Capacity challenges due to increased requirement for organisations to support carers

Next steps

- Carer profile needs to be refreshed in light of Covid-19 as agreed at Health and Wellbeing Board (deadline of 10th March 2021)
- Evaluate carer assessments within Adult Social Care to understand the Covid-19 impact upon unpaid carers (deadline of 10th March 2021)
- Finalise the report on the future of the Carers Centre (deadline of 25th February 2021)
- Carers mapping work to look at a carer journey document that aligned with the refreshed guidance and future strategy (deadline of 29th April)

Priority 3: Develop a whole-system approach to tackling obesity in Rotherham with consideration of the impact of Covid-19

Proposal – ‘Healthy Weight Champions’ and developing local plan

- Council formally adopted Local Authority Declaration on Healthy Weight in January 2020 providing the framework for a local plan
- Develop a local NHS Healthy Weight Declaration and Partner Pledges to sit alongside
- Suggest each partner organisation nominates a ‘Healthy Weight Champion’
- Champions to work with Public Health lead to develop the local plan

Discussion ensued on the presentation with the following issues raised/highlighted:-

- Continued participation in the Shaping Places for Healthier Lives. Now at Stage 3, the Discovery Stage, with £20,000 available for research into some of the key challenges and barriers for people actually living healthy lives. Information from that would inform a final bid application which would be up to £300,000 bid for a 3 year period
- Excellent feedback from the recipients of the electronic equipment purchased through the Unpaid Carers Grant. Work was taking place on Phase 2 to make further purchases

Sharon was thanked for her presentation.

Resolved:-

(1) That the presentation be noted.

(2) That Board members notify Kate Green of the organisation Champion by the end of January to work with Public Health lead on healthy weight.

(2) That work continue on developing a partnership Healthy Weight Plan based on the proposal taking into consideration the impact of Covid-19.

Action: All Board members/Kate Green

137. SECTION 75 FRAMEWORK AGREEMENT AND BETTER CARE FUND (BCF) CALL-OFF PARTNERSHIP/WORK ORDER

Scott Matthewman, Interim Assistant Director, for Commissioning, presented a report outlining progress on the development of a new Section 75 Framework Agreement and Better Care Fund (BCF) Call-Off Partnership/Work Order for 2020/21.

It was noted that the Council and CCG had finalised, agreed and signed the Section 75 Framework Agreement and BCF Call-Off Partnership/Work Order, and had been fully agreed by the BCF Executive Group for the current financial year.

There had been some delays nationally with the planning requirements and guidance from the centre due to the current pandemic and there had been no requirement to undertake any quarterly planning returns as normal with BCF. However, there would be a requirement for a year end summary a template for which had been produced by the national team. Once received this would be populated and fed through the governance structure around the BCF Executive Group.

There was continued dialogue with the national team and BCF lead around planning guidance for the next financial year. When known the local planning officer would be informed.

Resolved:-

That the BCF Call-Off Partnership/Work Order for 2020/21, incorporated into the Section 75 Agreement, be noted.

138. REFRESHED HEALTH AND WELLBEING BOARD PRIORITIES AND ACTION PLAN

Further to Minute No. 123 of the meeting held on 11th November, 2020, Becky Woolley, Policy Officer, presented the first update on the Health and Wellbeing Action Plan.

Good progress was being made with the majority of actions on track despite all Covid-19 pressures and none considered to be significantly off track.

A part of the refresh was how partners could understand work inequalities and strengthen the understanding particularly in light of the current pandemic. Work was taking place mapping out all the data available across the partnership and what projects were taking place with the aim of submitting a comprehensive overview which would then inform any gaps.

It was noted that a lot of work had been taking place during the pandemic centred around the Rotherham Community Hub and support that befriending had provided which was being managed through work with the voluntary and community sector.

Work continued between the 2 Rotherham Safeguarding Boards with the Board's Chair leading on some of the work.

Resolved:-

That the report be noted.

139. SUICIDE AND FIVE WAYS TO WELLBEING UPDATE

Further to Minute No. 124 of the meeting held on 11th November, 2020, Ruth Fletcher-Brown, Public Health Specialist, presented an update on suicide prevention and Five Ways to Wellbeing.

Suicide Prevention

- Currently there was little evidence specific to Covid-19 and suicide prevention, the national message was that many of the main priorities for suicide prevention remained the same during the pandemic. However it was thought that certain sub-groups may be more at risk i.e. children and young people, prisoners and people with gambling addictions
- The Local Government Association (LGA) and the Association of Directors of Public Health (ADPH) had jointly produced a briefing for Directors of Public Health on the public mental health and wellbeing issues arising from the Covid-19 outbreak. Preventing mental health problems and promoting mental wellbeing amongst people living and working in Rotherham required a whole system approach
- The Better Mental Health for All Group already existed to address the promotion of mental wellbeing for people living and working in Rotherham as well as oversight of the implementation of the Loneliness Action Plan for the Borough. This Group had formed the Rotherham Public Mental Health and Wellbeing Covid-19 Group and had included other stakeholders where gaps had been identified. Its primary purpose was to develop and implement an action plan addressing the potential mental health impacts of Covid-19 across the lifecycle. It recommended and took collaborative action on local prevention and mental health promotion planning in relation to Covid-19 in the short, medium and long term for people living and working in Rotherham

- For some time Rotherham had looked at suspected suicides in real time to ensure that support could be put in place for those bereaved/affected and to mitigate against further suicides. This was now collated through the ICS Real Time Surveillance Project led by South Yorkshire Police
- The real time data had been used during the pandemic to direct the actions within local plans, to offer support to those bereaved/affected/exposed to suicide and to mitigate against further suicides
- The Suicide Operational Group had updated their action plan in line with emerging risk factors during the pandemic
- Be the One Campaign promoted throughout the pandemic with a focus on women in October/November and the wider population in the leadup to Christmas/New Year. The Campaign was also promoted across the partnership as part of Safeguarding Awareness Week in November 2020
- Zero Tolerance Suicide prevention training promoted across the Council and other partners
- NHSE Suicide Prevention Funding Year 3 had enabled Rotherham to promote the third round of the small grants scheme to community groups who were addressing the underlying causes which could lead to suicide. It was led by Rotherham CCG, with input from Public Health
- The Listening Service for those bereaved/affected by suicide had been promoted throughout the pandemic. The Service and the Suicide Listening Service had been out to tender with the successful provider commencing in January 2021. Both Services were funded until January 2022
- The Care Pathway for Children and Young People Bereaved by Sudden Traumatic Death had been updated with input from practitioners and was now on the Tri-x-system for partners to adopt
- The programme of suicide prevention and self-harm training had been disrupted. Courses were being piloted and, subject to evaluation, a role out of training would be promoted in the Spring
- The Suicide Prevention Top Tips for Primary Care had been amended to include risk factors and groups emerging because of the pandemic

- Meetings had commenced by Survivors of Bereavement by Suicide (SOBS) to advertise for volunteers to be training to run a Rotherham peer support group
- Ongoing training together with ICS colleagues looking at bereavement for children and young people
- Action plans had been looked at in light of Covid-19 and updated

Public Mental Health and Wellbeing including Five Ways to Wellbeing

- Partners of the Public Health and Wellbeing Covid-19 Group had worked on an action plan which was being implemented by partners. It included work on crosscutting themes such as bereavement and loneliness
- A Rapid Mental Health Impact Assessment produced to inform decision makers on how the pandemic might have impacted upon the mental health and wellbeing of local communities
- Public Health England had recommended that local authorities capture the view of children and young people to establish the state of their mental health and wellbeing during the lockdown. Following a review by the Yorkshire and Humberside Regional Public Health Teams of surveys already undertaken, Rotherham Public Health had worked with CYPS to adapt the survey to suit the Borough. This had been administered twice in Rotherham with 4,203 young people completing the second survey. The results were given to individual schools for them to develop their own actions/responses to findings. The SEMH Strategy Group and Public Mental Health and Wellbeing Group were looking at key areas of concern to address
- RCCG's Rotherhive website promoted across all partners and information sent to employers through the Be Well@work project. The project promoted mental health resources to employers
- Joint working with RCCG to look at promoting mental health support to employers
- A variety of workshops for Council employees run by Public Health leads
- RMBC staff wellbeing toolkits shared with other partners
- Five Ways to Wellbeing campaign messages to promote mental wellbeing with staff during the Summer and Autumn months. Also used by the Creative Recovery Programme to promote activities each month

- Multi-agency task and finish group looked at mapping bereavement provision locally and nationally with the information now promoted on Rotherhive

Discussion ensued with the following issues raised/highlighted:-

- The Chair, Ruth and Becky Woolley had been asked to make a presentation at the Westminster Policy Forum later in the month on the work RMBC and its partners were doing with regard to loneliness
- It had been a whole system effort and was a really good example of Place based working
- The Bereavement Service was receiving good reviews
- Gathering evidence from post-traumatic stress from Covid especially for staff who were working on the frontline
- When there was a death by suicide work did take place to ascertain if the pandemic had been a factor and reporting thereon. Good work had been done together with the support of the local coroner

Resolved:-

(1) That the updates on suicide prevention and Public Mental Health including Five Ways to Wellbeing be noted.

(2) That Board members commit to the forthcoming review of the Rotherham Suicide Prevention and Self Harm Action Plan.

(3) That Board members ensure that their respective organisations maintain their commitment to the work of the Public Mental Health and Covid-19 Group.

Action: All Board Members

140. WORKPLACE WELLBEING: BE WELL @ WORK AWARD

Colin Ellis, Occupational Health Advisor, gave the following powerpoint presentation on the Rotherham Workplace Health offer to businesses:-

Our offer of support to you

- Free workplace visit
- Workplace health needs assessment
- Share workplace health information
- Provide training to support the scheme
- Accredited your business with the Be Well@Work award

Be Well@Work Award Overview

- Audit tool to demonstrate best practice in employee health and wellbeing
- Suitable for businesses of all sizes
- Includes mandatory requirements
- Allows progression – bronze, silver and gold
- Allows a business to select from a range of themes

Mandatory Requirements

- Designate a Workplace Co-ordinator
- Undertake the Workplace Health Needs Assessment
- Complete an action plan
- Undertake a number of health campaigns

Level of award

- Bronze, silver and gold
- Compulsory themes of human resources, absence management and health and safety
- Bronze - compulsory plus 3 themes
- Silver – compulsory plus 6 themes
- Gold – compulsory plus 8 themes

Optional Themes

- Consultation and communication
- Training and development
- Mental Health
- Ageing workforce
- Long term conditions/MSK
- Smoking
- Physical activity
- Healthy eating
- Drugs and alcohol

Process to achieve the award

- Undertake the Workplace Health Needs Assessment
- Decide the level of award
- Select the optional themes
- Upload the evidence onto the Create Wheel portal
- The Workplace Health Advisor checks the evidence uploaded
- Interviews with staff
- Site tour
- Post-assessment report
- Award certificate

Discussion ensued with the following issues raised/highlighted:-

- The award enabled employers to start thinking about how they could look after the wellbeing of their staff
- If any of the partners were interested to signing up to the award scheme, they should contact Colin
- The award lasted for 2 years. If an employer achieved Bronze and wanted to move onto Silver, they could be reassessed before the end of the 2 years
- A number of awareness sessions were offered e.g. mental health awareness, sleep awareness, healthy eating and alcohol awareness

- Training of Workplace Wellbeing Champions
- Close working with Barnsley and Doncaster with any good practice shared and networking
- Ability to provide for an individual GP surgery

Colin was thanked for his presentation.

141. FOOD ADVERTISEMENT

Further to Minute No. 127 of the previous meeting, Kate Green, Public Health Specialist, reported that little progress had been made due to lack of capacity within the system.

Resolved:-

That a further report be submitted to a future Board meeting when the current situation eased and capacity was available to look at it at the project in more detail.

Action: Becky Woolley/Kate Green

142. ISSUES FROM THE PLACE BOARD

Sharon Kemp, Chief Executive RMBC, and Chris Edwards, Chief Operating Officer RCCG, provided the following update:-

- The Place Board was currently operating as the Rotherham Gold Command for Health and Social Care
- Once a Government response was received regarding the Integrated Care Paper it would be shared with the Board at the appropriate time

Resolved:-

That the update be noted.

143. DATE AND TIME OF NEXT MEETING

Resolved:-

That a further meeting be held on Wednesday, 10th March, 2021, commencing at 9.00 a.m.

Committee Name and Date of Committee Meeting

Council - 03 March 2021

Report Title

Outcome of Standards and Ethics Sub-Committee Hearing re Alleged Breach of the Code of Conduct - Councillor Ireland

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

This report sets out the outcome of a Standards and Ethics Sub Committee Hearing which took place on 18th January 2021 in relation to an alleged breach of the Anston Parish Council Code of Conduct by Anston Parish Councillor Jonathan Ireland.

Recommendations

It is recommended that the Council:

1. Note the outcome of the Standards and Ethics Sub-Committee Hearing on 18th January 2021

List of Appendices Included

Appendix 1 Decision Notice in Respect of the Hearing on 18th January 2021

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Standards and Ethics Committee - 21 January 2021

Council Approval Required

No

Exempt from the Press and Public

No

Outcome of Standards and Ethics Sub-Committee Hearing re Alleged Breach of the Code of Conduct - Councillor Ireland

1. Background

1.1 A Hearing of the Standards and Ethics Committee Sub-Committee took place on 18th January 2021. The Decision Record in respect of the Hearing is at Appendix 1.

1.2 A complaint was considered at the Hearing which alleged as stated in the Decision Notice:

The Subject Member had breached the Anston Parish Council Code of Conduct by making comments under the pseudonym "Anstonian" on a social media blog site, named Anston Parish Council Watch. The comment was in the context of a contract awarded to a local firm of surveyors by Anston Parish Council. A statement has been received from the owner of that firm of surveyors who considered the statement to be defamatory.

As set out in the Decision Record, the Sub-Committee found that Parish Councillor Ireland had made the posts under the pseudonym of Anstonian and due to the content of the post was in breach of the Code of Conduct in that he had failed to treat others with respect.

1.3 Further the Sub-Committee also found that by making the post Parish Councillor Jonathan Ireland had conducted himself in a manner which could reasonably be regarded as bringing his office of Parish Councillor and the Parish Council into disrepute.

1.4 The Sub-Committee decided that the following sanctions should be applied to Cllr Ireland:

1.4.1 The Member shall be censured

1.4.2 The formal decision notice setting out the findings of the Sub-Committee shall be published on agenda of the next meeting of the Standards and Ethics Committee

1.4.3 That the findings in respect of the Subject Member's conduct should be published on the Council's website.

1.4.4 That the findings should be reported to full Council for information.

1.4.5 That the Councillor's Group Leader be recommended to remove the Subject Member from the Council's Standards and Ethics Committee.

1.5 Members are asked to note the Decision of the Sub-Committee.

2. Key Issues

2.1 The key issues are set out above.

3. Options considered and recommended proposal

3.1 The Sub-Committee decided that this matter should be reported to Council, and this report is in accordance with that part of their decision.

4. Consultation on proposal

- 4.1 As required by the Localism Act 2011, one of the Committee's Independent Persons was consulted by the Sub-Committee during the Hearing on 18th January 2021.

5. Timetable and Accountability for Implementing this Decision

- 5.1 N/A

6. Financial and Procurement Advice and Implications

- 6.1 The officer time in dealing with this complaint is met within existing Legal Services resources.

7. Legal Advice and Implications

- 7.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

8. Human Resources Advice and Implications

- 8.1 None

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 None

10. Equalities and Human Rights Advice and Implications

- 10.1 None

11. Implications for Partners

- 11.1 Cllr Ireland is a Parish Councillor and Borough Councillor. This report relates to his conduct a Parish Councillor.

12. Risks and Mitigation

- 12.1. None

13. Accountable Officers

Bal Nahal, Head of Legal Services

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	N/A
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	N/A
Head of Legal Services	Bal Nahal	23/02/21

(Monitoring Officer)		
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Report Author: Stuart Fletcher, Deputy Monitoring Officer/Service Manager,
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This report is published on the Council's [website](#).

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE

**RECORD OF THE DECISION OF THE STANDARDS AND ETHICS
SUB-COMMITTEE MEETING HELD ON 18TH JANUARY, 2021**

SUBJECT MEMBER: Councillor J Ireland (Rotherham MBC, Anston Parish Council) (in attendance)

COMPLAINANT: Councillor C Jepson (in attendance)

WITNESSES: Witness A and Witness B (in attendance)

THE COMPLAINTS SUB-COMMITTEE

Councillor R McNeely (Rotherham MBC) (in the Chair)

Councillor N Simpson (Rotherham MBC)

Mrs A Bingham

Mrs M Evers

Mr D Rowley (Parish Councillor)

INDEPENDENT PERSON

Mr D Roper-Newman

ROTHERHAM MBC OFFICERS

Bal Nahal (Monitoring Officer/Legal Adviser to the Sub-Committee)

Stuart Fletcher (Investigating Officer)

Debbie Pons (Senior Democratic Services Officer)

The Complaint

At a meeting of the Standards and Ethics Sub-Committee held on Monday, 18th January, 2021, consideration was given to a complaint against Councillor Jonathan Ireland (Subject Member).

The complaint alleged:-

- The Subject Member had breached the Anston Parish Council Code of Conduct by making comments under the pseudonym "Anstonian" on a social media blog site, named Anston Parish Council Watch. The comment referred to possible nepotism in the awarding of a contract to a local firm by Anston Parish Council. A statement has been received from the owner of that firm who considered the statement to be defamatory.

The Panel comprised of Councillor McNeely (in the Chair); Councillor N. Simpson, Ms. A. Bingham, Ms. M. Evers and Parish Councillor D. Rowley. Mr. D. Roper-Newman also attended the Hearing in his role as Independent Person, along with Ms. B. Nahal as Legal Adviser to the Panel.

Mr. S. Fletcher, Investigating Officer, was invited to present the report of the investigation into whether there had been a breach of the Members' Code of Conduct and which fell within the remit of Rotherham Borough Council's Standards and Ethics Committee.

The Investigating Officer took the Sub-Committee through the complaint form and the written response from the Subject Member. The Subject Member had responded to the complaint indicating it was not he who had made the comment on the social media blog site nor was he the person using the pseudonym "Anstonian".

The Subject Member also contested that as the complaint itself was received more than three months after the post was made, it should not be considered by the Sub-Committee. The Monitoring Officer decided the complaint should proceed to a Hearing despite the complaint itself being received more than three months after the alleged breach of the Code of Conduct incident took place. This was on the basis that Councillor Jepson only became aware of the relevant post, and the alleged identity of the post maker, more than three months after the post had been made.

The Investigating Officer explained that the administrator of the blog site, Anston Parish Council Watch confirmed the personal e-mail address associated to the pseudonym "Anstonian", was jonathan.ireland@hotmail.com, and evidence would be heard from this witness.

The Investigating Officer further referred to the Subject Member's response to the complaint that even if this post was associated to him via his personal e-mail address, this would mean that any posts made from that account would not be made in an official capacity. He further stated that the only way to prove that he made the comments would be for evidence from the Police and/or Internet Service Provider, stating this to be the case.

The Investigating Officer referred the Sub-Committee to the following paragraphs of the Council's Code of Conduct that would be relevant in this case:-

Scope

2 (1) Except when you are acting as a representative of the Council when sub-paragraph (2) applies, you must comply with this Code whenever you –

- (a)*
- (b) Act, claim to act, or give the impression you are acting as a representative of the Council.*

General Obligations

- (3) (1) You must treat others with respect*
- (2) You must not –*
 - (a) do anything which may cause the Council to breach any of the equality duties;*
- (5) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.*

Evidence of the Complainant

The Complainant referred to the details of his complaint as set out in the report and confirmed it was a true and accurate record of his complaint.

The Complainant set out the reasons for the delay in submitting his complaint and the timeframes for the seeking of advice, gathering evidence and the seeking of witness statements. He found the comments made on the Anston Parish Council Watch blog to be unacceptable, upsetting and they questioned his own integrity as a Parish Councillor.

The Subject Member was asked if he had any questions for the Complainant and he passed comment on:-

- The complaint not being signed.
- The Complainant and the Director of the local company being former work colleagues.

The Sub-Committee asked the Complainant about a number of matters, namely whether the practice of three quotes for work had been undertaken by the Parish Council, about the content of the post allegedly made by the Subject Member which had generated further comments by members of the Parish, the detail in the further documentation provided by the Complainant in the form of e-mails and the Complainant's association with the Director of the local firm.

When the Chair asked what outcome the Complainant wanted from the Hearing, the Complainant confirmed he believed there should be some kind of censure, but was happy for the Panel to consider the complaint and determine their own sanctions in this case.

The first witness for the Complainant then gave evidence and confirmed his statement, which was contained within the report, was true and accurate. Witness A's statement explained that when he was informed about the relevant post he made enquiries as to who had made the post, including contacting the administrator of the blog, and these enquiries had led him to believe that Councillor Ireland had made the post.

Witness A further confirmed his success in tendering for the contract with the Parish Council. Whilst Councillor Jepson and he had previously worked in the same Department, neither had worked closely together although they would be described as colleagues.

Witness A stated that the comments made on the Anston Parish Council Watch blog effectively alleged inappropriate conduct on his behalf and he therefore considered them to be defamatory to his Company, to the Directors of the company and found them to be uncomfortable and disconcerting.

No questions were put to the first witness.

The second witness for the Complainant then gave evidence and confirmed his statement was true and accurate.

Witness B confirmed he was the former administrator of the Anston Parish Council Watch blog and that, as moderator, he was also aware of the originators of e-mail address and pseudonyms of participants who commented on the blog. Two such pseudonyms had been used, namely "George" and "Anstonian", which were associated with the e-mail address jonathanireland@hotmail.com. Transcripts of comments made on the blog from these accounts were contained within the report.

The Sub-Committee asked when the posts were removed and how long they had remained posted; and were advised they had remained in situ up to the point where the blog was closed. A post had been included by Witness B as administrator to confirm the posts were personal views and not those of Anston Parish Council. He found the content defamatory. He had shared the detail and originator of the e-mails when asked to do so as part of the investigation and complaint submitted by Councillor Jepson.

It was further pointed out that detail in the posts (25% precept increase and £70,000 maintenance fund) were matters that had been discussed by the Parish Council at the relevant January meeting and that when coming to a vote, Councillor Ireland, who was present, had, in fact, voted against.

The Sub-Committee questioned whether the sharing of personal information had been GDPR compliant and Witness B believed he was legally obliged to provide this information. The Sub-Committee raised questions over the reliance and retention of personal data.

Witness B did point out that the blog automatically archived posts after thirty days but confirmed archived posts' content remained searchable. The data for the Complainant had only been shared for the purposes of the complaint.

Witness B further clarified when asked by the Monitoring Officer that it was not unusual for pseudonyms to be used on the blog and, in fact, other Parish Councillors had done similar. The relevant issue here was whether the comments that were made were deemed to be in a personal capacity or in an official capacity as a serving Parish Councillor.

The Complainant also confirmed, as per Parish Council policy and procedures, the appropriate channels for appointing contractors had been followed and voted on by the Parish Council accordingly. No decision to appoint a particular contractor had been a single person decision.

The Complainant also pointed out that once he had become aware of the content of the post on the blog, he considered this to have been made by the Subject Member in his capacity as a Parish Councillor, as it related to Parish Council business and had been posted to stir up controversy.

Evidence of the Subject Member

The Investigating Officer referred to the response provided by the Subject Member and the Subject Member confirmed his statement in the report was true and accurate.

The Subject Member was invited to present his case.

The Subject Member sought confirmation that this Hearing was only in respect of his position as a Parish Councillor and was advised that as comments on the blog were in relation to Anston Parish Council business the complaint did relate to his position as Parish Councillor.

The Subject Member quoted an extract from Section 14 of the Standards and Ethics Committee Complaints Procedure where the complaint must relate to conduct that occurred when the named Member was acting in his/her official capacity or for Parish Councillors, at any official Parish Council meeting.

The Subject Member pointed out that this complaint was one of a long line of complaints made by the Complainant. He regarded it as bullying and intimidating behaviour. He also made reference to Section 15 of the Standards and Ethics Committee Complaints Procedure and particular Sections (j) and (k):-

The following types of complaint will not be considered as 'valid complaints' at the discretion of the Monitoring Officer) under this procedure:

(j) Complaints which relate to conduct which is alleged to have taken place more than 3 months prior to the submission of the complaint, unless there are exceptional circumstances to justify the later submission of the complaint.

(k) Complaints which are considered malicious, vexatious, politically motivated, tit-for-tat or not sufficiently serious to warrant further action.

The Subject Member re-iterated the key issues that initially needed to be decided. These were should the Sub-Committee consider this complaint as it was submitted more than three months after the post was made, whether the relevant post had been made by the Subject Member and if the relevant post was found to be made by the Subject Member, was the post made in his official capacity.

The Subject Member contested that as the complaint itself was received more than three months after the post was made it, therefore, should not be considered by the Sub-Committee. He considered the lengthy timeframes, which he described in detail, to be out of time given that it was some fifteen months since the comments had been posted.

In response to the complaint he reiterated he did not make the comment on the social media blog site, and he was not the person using the pseudonym "Anstonian". The I.P. addresses were registered to specific hardware. He had searched via a location finder online and this returned nothing.

The Subject Member further stated that whilst he was not "Anstonian", Section 14 determined that a post would only be determined in an official capacity for a Parish Councillor when they were at any official Parish Council meeting. This was clarified for the Sub-Committee by the Legal Adviser that the Parish Council Code of Conduct covered all of a Parish Councillors official conduct, not just the time that they were in a Parish Council meeting.

The Subject Member went on to state that if the relevant post, if found to be made by the Subject Member, would this post be in breach of the Code of Conduct. The Subject Member referred the Sub-Committee to his response in the report which quoted from the Defamation Act 2013 stating 'it is a defence to an action of defamation for the

defendant to show that the imputation conveyed by the statement complained of is substantially true.” He pointed out Councillor Jepson was a former colleague of the Director of the local firm, Witness A.

The Subject Member also pointed out, as he had already referred to, that he felt that the administrator of the website had committed an offence under Data Protection legislation if personal details, such as his personal e-mail address were shared without permission.

In response to the submission from the Subject Member the Complainant wished to clarify:-

- He had never bullied the Subject Member or made vexatious complaints against him. Other Parish Councillors may have done, but he had only previously raised concerns about Councillor Ireland and another Parish Councillor’s election materials.
- The reasons why there had been a delay in his submitting the complaint which related to not knowing of the original post at the time it was made, the seeking of Legal advice, collating evidence and conducting the investigation about who had made the post.
- He was a former colleague of Witness A, not a close associate, and he had retired from the Council in 2003.

In response the Sub-Committee sought a response from the Subject Member on:-

- Had the Subject Member commented on the Anston Parish Council Watch blog.
- Did he believe someone had “set him up” by fraudulently using his e-mail address.
- Had he used the pseudonym “George” or “Anstonian”.
- Whether the use of “Astonian” had been used in an official capacity thereby breaching the Code of Conduct.

The Subject Member confirmed he had made blogs before in a personal capacity but could not comment if he had been “set up”. He stated he was not “Anstonian” so did not believe there had been any breach of the Code.

Summary

The Investigating Officer referred back to the complaint as set out in the documentation.

In closing remarks the Subject Member again reiterated his view that the complaint was “out of time” and should not be viewed as exceptional. There was no substantive proof that he was the originator of the post. If he had made the post, which he had not, it was not made in an official capacity so the Code of Conduct was not engaged and the comments made were facts. He also believed there to be a breach of GDPR.

The Complainant in response stated he believed Councillor Ireland had made the post from his personal e-mail address and that there was no breach of GDPR as the details provided were part of an investigation.

The Investigating Officer, the Subject Member, the Complainant and the witnesses left the room to allow the Sub-Committee the Independent Person and the Monitoring Officer to consider the matters before them.

The Findings of the Sub-Committee

The Panel were asked to consider the evidence from both parties and the documents referred to in the Investigating Officers' report.

The Sub-Committee considered, in consultation with the Independent Person, whether:-

- The Sub-Committee should consider this complaint as it was submitted more than three months after the post was made.
- Was the relevant post made by the Subject Member.
- If the relevant post was found to be made by the Subject Member, was the post made in his official capacity.
- If the relevant post was found to be made by the Subject Member, was the content of the post in breach of the Code of Conduct.

In considering all the evidence and verbal submissions made before them the Sub-Committee considered, in consultation with the Independent Person, the key issues and, accepted that although the complaint, as submitted, was out of time, on the basis that the post was still live at the point the complaint was made and the date of knowledge, accepted the complaint.

The Sub-Committee also believed on the balance of probabilities it was more likely than not that the relevant post was made by the Subject Member.

The Sub-Committee also found that, on balance, the relevant post was made by the Subject Member in his official capacity.

The Sub-Committee found on balance the Subject Member had breached the Code of Conduct in making the posts in that he had failed to treat others with respect.

The Sub-Committee then considered, in consultation with the Independent Person, whether by making the comments the Subject Member had conducted himself in a manner which could reasonably be regarded as bringing his office of Parish Councillor or the Parish Council into disrepute. They found on balance that by making the posts on the blog the Subject Member had done so, both in respect of his office as Parish Councillor and the Borough Council.

Given their findings that the Subject Member had breached the Code of Conduct the Sub-Committee considered what sanctions, if any, to impose upon him. They noted that the Subject Member was a member of the Borough Council's Standards and Ethics Committee.

The Investigating Officer, the Subject Member and the Complainant were asked to return and were advised of the decision.

Resolved:- That, in light of their findings, the complaint be upheld and the following sanctions should be applied to the Subject Member:-

- (1) That the Subject Member be censured.
- (2) That the formal decision notice setting out the findings of the Sub-Committee shall be reported to the forthcoming meeting of the Standards and Ethics Committee.
- (3) That the findings in respect of the Subject Member's conduct should be published on the Council's website.
- (4) That the findings should be reported to full Council and Anston Parish Council for information.
- (5) That the Councillor's Group Leader be recommended to remove the Subject Member from the Council's Standards and Ethics Committee.

Signed: Councillor R McNeely (Chair of Sub-Committee)

Dated: 25th January, 2021

**Public Report
Council**

Committee Name and Date of Committee Meeting

Council - 03 March 2021

Report Title

Outcome of Standards and Ethics Sub-Committee Hearing re Alleged Breach of the Code of Conduct - Councillor Ellis

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

This report sets out the outcome of a Standards and Ethics Sub Committee Hearing which took place on 18th January 2021 in relation to an alleged breach of the Code of Conduct by Cllr S Ellis.

Recommendations

It is recommended that the Council:

1. Note the outcome of the Standards and Ethics Sub-Committee Hearing on 18th January 2021

List of Appendices Included

Appendix 1 Decision Notice in respect of the Hearing on 18th January 2021

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Standards and Ethics Committee - 21 January 2021

Council Approval Required

No

Exempt from the Press and Public

No

Outcome of Standards and Ethics Sub-Committee Hearing re Alleged Breach of the Code of Conduct - Councillor Ellis

1. Background

- 1.1 A Hearing of the Standards and Ethics Committee Sub-Committee took place on 18th January 2021. The Decision Record in respect of the Hearing is at Appendix 1.
- 1.2 Two similar complaints were considered at the Hearing to the effect that Councillor Ellis had been overpaid in respect of her Chairing of the South Yorkshire Pensions Authority after she had finished in that role. The details of the complaint and Councillor Ellis' response are set out in the Decision Notice.
- 1.3 Again, as set out in the Decision Record, the Sub-Committee found that Cllr Ellis' conduct did amount to a breach of the Council's Code of Conduct under General Obligations Section 5 – "you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute". However, the Sub-Committee did not find a breach of the Code of Conduct in relation to the sixth Nolan Principle - Honesty.
- 1.4 The Sub-Committee decided that the following sanctions should be applied to Cllr Ellis:
 - 1.4.1 The Member shall be censured
 - 1.4.2 The formal decision notice setting out the findings of the Sub-Committee shall be published on agenda of the next meeting of the Standards and Ethics Committee
 - 1.4.3 That the findings in respect of the Subject Member's conduct should be published on the Council's website.
 - 1.4.4 That the findings should be reported to full Council for information.

- 1.5 Members are asked to note the Decision of the Sub-Committee.

2. Key Issues

- 2.1 The key issues are set out above.

3. Options considered and recommended proposal

- 3.1 The Sub-Committee decided that this matter should be reported to Council, and this report is in accordance with that part of their decision.

4. Consultation on proposal

- 4.1 As required by the Localism Act 2011, one of the Committee's Independent Persons was consulted by the Sub-Committee during the Hearing on 18th January 2021.

5. Timetable and Accountability for Implementing this Decision

- 5.1 N/A

6. Financial and Procurement Advice and Implications

- 6.1 The officer time in dealing with this complaint is met within existing Legal Services resources.

7. Legal Advice and Implications

- 7.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

8. Human Resources Advice and Implications

- 8.1 None

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 None

10. Equalities and Human Rights Advice and Implications

- 10.1 None

11. Implications for Partners

- 11.1 None

12. Risks and Mitigation

- 12.1. None

13. Accountable Officers

Bal Nahal, Head of Legal Services

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	N/A
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	N/A
Head of Legal Services (Monitoring Officer)	Bal Nahal	23/02/21

Report Author: Stuart Fletcher, Deputy Monitoring Officer/Service Manager, Legal Services

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This report is published on the Council's [website](#).

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE

**RECORD OF THE DECISION OF THE STANDARDS AND ETHICS
SUB-COMMITTEE MEETING HELD ON 18TH JANUARY, 2021**

SUBJECT MEMBER: Councillor S Ellis (Rotherham MBC) (in attendance)

COMPLAINANTS: Councillor A Cowles and Councillor M Elliott
(in attendance)

THE COMPLAINTS SUB-COMMITTEE

Councillor R McNeely (Rotherham MBC) (in the Chair)
Councillor N Simpson (Rotherham MBC)
Mrs A Bingham
Mrs K Penney (Independent Co-opted Member)
Mr R Swann (Parish Councillor)

INDEPENDENT PERSON

Mr P Beavers

ROTHERHAM MBC OFFICERS

Bal Nahal (Monitoring Officer/Legal Adviser to the Sub-Committee)
Stuart Fletcher (Investigating Officer)
Andrew Frosdick (Governance Adviser)
Debbie Pons (Senior Democratic Services Officer)

The Complaint

At a meeting of the Rotherham Standards and Ethics Sub-Committee held on Monday, 18th January, 2021, consideration was given to a complaint against Councillor Sue Ellis (Subject Member).

The complaint related to:-

- The Subject Member had received an overpayment made by the Council in respect of her chairing of the South Yorkshire Pensions Authority, which ended in May, 2019, although payment continued until August, 2020.

The Panel comprised Councillor McNeely (in the Chair); Councillor N. Simpson, Ms. A. Bingham, Ms. K. Penney and Parish Councillor R. Swann. Mr. P. Beavers also attended the hearing in his role as Independent Person, along with Ms. B. Nahal as Legal Adviser to the Panel.

Mr. S. Fletcher, Investigating Officer, was invited to present the report of the investigation into whether there had been a breach of the Members' Code of Conduct and which fell within the remit of Rotherham Borough Council's Standards and Ethics Committee.

The Investigating Officer took the Sub-Committee through the complaint and whether the Subject Member's conduct in this matter amounted to a breach of the Council's Code of Conduct.

The Investigating Officer referred the Sub-Committee to the following paragraphs of the Council's Code of Conduct that would be relevant in this case:-

Scope

1. (1) This Code applies to you as a member of Rotherham Borough Council ("the Council").

(2) It is your responsibility to comply with the provisions of this Code and uphold the seven principles of public life set out in Annex 1 to this Code

ANNEX 1

The Seven Principles of Public Life

Honesty 6

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Scope

2. (1).....you must comply with this Code whenever you -

(a) conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) Act, claim to act, or give the impression you are acting as a representative of the Council.

General obligations

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

Evidence of the Complainants

The first Complainant (Councillor Cowles) referred to the details of his complaint as set out in the report and confirmed it was a true and accurate record of his complaint.

The Complainant confirmed he had received telephone calls/emails from the public about the unacceptable behaviour of the Subject Member. He had requested the Council's leading group to take action, but it had not done so. His course of action, which was not politically driven, was to raise a complaint formally through the Standards and Ethics Committee Complaints Procedure.

He found the Council to be lax in the payroll error and found it unacceptable that the Subject Member would have received seventeen reminders on her payslip that she was receiving an allowance she was not entitled to, where it would have been identified on a separate line. This was public money and the Complainant found it hard to accept that the Subject Member had not known she was receiving £600 more than she should each month. Whilst it was accepted there may have been mitigating personal circumstances that prevented her from rectifying the oversight, over an extended period this was unacceptable.

On this basis, the Complainant believed for the remainder of this municipal year the Subject Member should step down from her position as Chair of the Licensing Board and Committee and seek to be re-selected should she be re-elected.

The Sub-Committee had no questions for the first Complainant.

The second Complainant (Councillor M. Elliott) referred to the details of his complaint as set out in the report and confirmed it was a true and accurate record of his complaint.

The Complainant found it unjust that Councillor Sue Ellis had for over a year been receiving an allowance for which she was not entitled. The fact that she received this extra money apparently without realising was somewhat incredulous and she was duty bound to declare her situation in a timely manner following her resignation from an outside body.

The Complainant recognised the Council's Finance Department had acceptable responsibility for the oversight and incorrect payments. However the Complainant felt that the Subject Member in accepting the apology lay the fault with the Council and, therefore, took no responsibility for not drawing the error to the Council's attention earlier.

The Sub-Committee had no questions for the second Complainant.

The Subject Member was asked if she had any questions for the Complainants and she passed comment on:-

- The complaints against her were politically driven.
- The first Complainant was Leader of the Opposition and had failed to take responsibility for ensuring Councillors of his political party were compliant with updating their Register of Interests on time.

The Sub-Committee received the investigation as to the circumstances of the overpayment which was undertaken by Andrew Frosdick, employed by the Council as a Governance Advisor. Mr. Frosdick has previously been employed by Barnsley Metropolitan Borough Council as a Monitoring Officer for a number of years. This investigation was not prompted by the complaints referred to in this report, but considered the relevant issues.

Mr. Frosdick highlighted:-

- The chain of events which led to the overpayments for Chair of the South Yorkshire Pensions Authority.
- Lack of clarity and clear specific instruction in the Members' Allowances payments to the Payroll Section from the former Head of Democratic Services.

- The link between the allowances not being clear.
- Enquiry from a member of the public questioning the figures in the published payments under the Members' Allowances Scheme.
- The reasonableness for the Council to seek to recover the overpayment from Councillor Ellis.
- No cross reference of the payments was made between Payroll and Democratic Services.
- Payslips were not provided and the Subject Member was expected to access the details of her allowance via the H.R. Portal.
- Extenuating personal circumstances of the Subject Member.
- Repayment of the overpayment by the Subject Member.
- No further action to be taken as the allowance paid had not been inappropriately claimed.

The Sub-Committee asked whether action had been taken on the recovery of any payroll deductions made by the Council and were advised all had been paid and in fact was overpaid in the sum of 19p which has since been rectified.

The Subject Member was asked if she had any questions for Mr. Frostdick and she passed comment on:-

- No paper payslip being issued to the Subject Member.
- Confirmation by Human Resources that following interrogation the H.R. Portal had not been accessed by the Subject Member.
- Lack of attention to detail of personal banking fell short of a breach of the Code of Conduct.

Evidence of the Subject Member

The Investigating Officer referred to the response provided by the Subject Member and the Subject Member confirmed the statement she has provided was a true and accurate record.

The Subject Member was invited to present her case.

The Subject Member confirmed she was fully aware of the Nolan Principles and described her employment background before becoming a Borough Councillor. The one thing she upheld was her integrity and took her Councillor responsibility very seriously. She gave due diligence to her own election expenses and ensured these were submitted early without delay.

In terms of the overpayment she questioned whose responsibility it should be for ensuring correct payments were made to Elected Members. An apology had been received from the Finance Department to how they had let the Subject Member down.

The Subject Member had never claimed the allowance and following Mr. Frostdick's investigation no action was to be taken.

Like the majority of Elected Members, the Subject Member did not receive a paper payslip with the expectation, like officers, to access via the H.R. Portal.

The Subject Member shared her personal financial circumstances whereby she was in a fortunate position for her allowance to be deposited into an account and left to accrue. The family lived from her partner's salary rather than relying on funds from an elected position, given the fragility around the election. No statements were provided from this account, so it was left to build up and was only used for university payments or supplement as retirement pension. She had not received any statements to confirm the amounts in the account.

The Subject Member had no cause to monitor the account until the overpayment was drawn to her attention. As the funds had not been spent they were immediately paid in full amounting to £9,604.99 on the 13th October, 2020. Therefore, upholding the sixth Principle of Public Life - Honesty.

The Subject Member shared her further extenuating personal circumstances from May 2019 and over the relevant period which she said explained why little regard had been paid to her financial situation.

The Subject Member addressed the first Complainant's suggestion that she be removed from her position of Chair of the Licensing Board and Committee and described the in-depth work she had been involved in with Commissioner Ney. Through this work the responsibility for Licensing had been one of the first to be handed back to the Council and she had worked tirelessly to produce a Licensing Policy that was held in high regard and deemed best practice.

The Sub-Committee sought a response from the Subject Member on whether the Subject Member had ever had a paper payslip and whether she had been given the option to have one, which she confirmed she had not. The Sub-Committee also asked for the purposes of transparency whether everything had been paid back to the Council. The Subject Member confirmed it had.

Summary

The Investigating Officer referred back to the complaint as set out in the documentation.

In closing remarks the first Complainant reiterated that the blame for the overpayment should not lay entirely with the Council. Whilst he acknowledged mistakes in payroll would inevitably happen, had this not been picked up by a member of the public, overpayments may well be continuing to occur.

It was the Subject Member's responsibility to manage their own affairs and give due diligence to their financial position.

The second Complainant failed to see why proper examination of financial affairs had not been carried out and expressed his surprise that even with a savings account an annual statement was provided for the Subject Member.

The Subject Member in her closing remarks referred to her extenuating personal circumstances to be the drivers behind her lack of attention to her financial situation. In the twenty-five years of being a Councillor she had never encountered a problem.

Action had now been taken to ensure appropriate monitoring of her own and the family's financial position and monthly statements were now being received.

The Subject Member gave her reassurance that she held in high regard the Nolan Principles and once the issue had been brought to her attention she had, without delay, paid the amount back in full.

The Investigating Officer, the Subject Member, the Complainants and Mr. Frostdick left the room to allow the Sub-Committee, the Independent Person and the Monitoring Officer to consider the matters before them.

The Findings of the Sub-Committee

The Panel considered the evidence from both parties and all the documents referred to in the Investigating Officer's report.

The Sub-Committee considered, in consultation with the Independent Person, whether the Subject Member's conduct in this matter amounted to a breach the Code of Conduct.

If the Sub-Committee found that the Subject Member was in breach of the Code, would it be appropriate for any of the available sanctions to be imposed on the Subject Member in accordance with Standards and Ethics Committee Complaints Procedure.

After hearing all of the evidence and verbal submissions made before them, the Sub-Committee considered, in consultation with the Independent Person, the key issues which had been highlighted in the report and evidence.

The Sub-Committee did believe the Subject Member's conduct on the balance of probabilities in this matter did amount to a breach of the Council's Code of Conduct under General Obligations Section 5 - you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute. However, the Sub-Committee did not find a breach of the Code of Conduct in relation to the sixth Nolan Principle - Honesty.

Given their findings that the Subject Member had breached the Code of Conduct the Sub-Committee considered what sanctions, if any, to impose upon her. The Sub-Committee did not believe the sanctions warranted removal of the Subject Member from Committees or Sub-Committees, but in making their decision emphasised the Subject Member must take responsibility for ensuring her financial affairs were in order.

The Investigating Officer, the Subject Member and the Complainants were asked to return and were advised of the decision. The first Complainant (Councillor Cowles) was unable to return to the hearing but was to be advised of the outcome by the Legal Adviser to the Sub-Committee.

Resolved:- That, in the light of their findings, the complaints be upheld and the following sanctions should be applied to the Subject Member:-

- (1) That the Subject Member be censured.
- (2) That the formal decision notice setting out the findings of the Sub-Committee shall be reported to the forthcoming meeting of the Standards and Ethics Committee.

- (3) That the findings in respect of the Subject Member's conduct should be published on the Council's website.
- (4) That the findings should be reported to full Council for information.

Signed: Councillor R McNeely (Chair of Sub-Committee)

Dated: 25th January, 2021

PLANNING BOARD
Thursday 4 February 2021

Present:- Councillor Sheppard (in the Chair); Councillors Atkin, Bird, Cowles, M. Elliott, McNeely, Sansome, Short, Steele, John Turner, Walsh, Whysall and Williams.

Apologies for absence:- Apologies were received from Councillors D. Cutts and Tweed.

The webcast of the Planning Meeting can be viewed at:-
<https://rotherham.public-i.tv/core/portal/home>

144. EXCLUSION OF THE PRESS AND PUBLIC

There were no items on the agenda to warrant exclusion of the press and public.

145. MATTERS OF URGENCY

There were no matters of urgency for consideration.

146. DECLARATIONS OF INTEREST

Councillor Walsh declared a disclosable interest in application RB2020/0414 (conversion and extension of existing commercial building to 14 No. residential apartments and removal of palisade fencing and erection of railings at former Treeton Youth Enterprise Centre, Church Lane, Treeton for Century Grove Ltd) on the grounds that he had previously provided advice and left the meeting whilst this application was considered.

147. MINUTES OF THE PREVIOUS MEETING HELD ON 17TH DECEMBER, 2020

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 17th December, 2020, be approved as a correct record of the meeting.

148. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

149. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, a number of people attended the meeting and spoke about the following applications:-

- Conversion and extension of existing commercial building to 14 No. residential apartments and removal of palisade fencing and erection of railings at former Treeton Youth Enterprise Centre, Church Lane, Treeton for Century Grove Ltd. (RB2020/0414)

Mrs. W. Parker-Foers (Objector)

Statements were also read out on behalf of Alexander Stafford M.P. and Treeton Parish Council.

- Application to vary Condition 2 (approved plans) imposed by RB2016/1492 at land East of Grange Lane Maltby for Jones Homes (Yorkshire) Limited (RB2020/1815)

Mr. D. Goben (Objector)

Mr. J. Gray (Objector)

Mrs. D. Hoyes (Objector)

Mr. M. Greenhalgh (Objector)

Mrs. K. Horsfield (Objector)

A statement was also read out on behalf of Stainton Parish Council.

(2) That, application RB2020/0414 be granted for the reasons adopted by Members at the meeting, subject to the relevant conditions listed in the submitted report, an amendment to Condition 2 with a revised drawing number and to the inclusion of an additional condition relating to the siting of waste and recycling bins for occupants; the detail of which to be agreed in consultation with the Chair and Vice-Chair of the Planning Board.

(3) That, application RB2020/1815 be granted for the reasons adopted by Members at the meeting and subject to the signing of a letter confirming the agreement to substitute the revised plans relating to this application in respect of the signed Section 106 Agreement.

(4) That, application RB2020/1708 be granted for the reasons adopted by Members at the meeting.

150. UPDATES

There were no updates to report.

151. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 25th February, 2021 at 9.00 a.m.

STAFFING COMMITTEE
10th February, 2021

Present:- Councillor Alam (in the Chair); Councillors Cowles, Read and Watson.

37. DECLARATIONS OF INTEREST

There were no declarations of interest.

38. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that there were no items of business on the agenda that would require the exclusion of the press and public from the meeting.

39. PAY POLICY STATEMENT 2021

Consideration was given to the report of the Assistant Chief Executive requesting that the Staffing Committee comment on the Council's Pay Policy Statement for 2021-22 in advance of it being submitted to Council for approval.

It was noted that the Localism Act 2011, Chapter 8 Pay Accountability, made it a legal requirement for authorities to produce and publish a Pay Policy Statement by 31st March each year that this must be agreed by Council and detail the remuneration of its Chief Officers.

The Pay Policy Statement for 2021-22 was attached as an appendix to the officer's report.

Resolved: -

That the Pay Policy Statement for 2021-22, as attached at Appendix 1 of the officer's report be noted and recommended to Council for approval.

40. GENDER PAY GAP 2019-20

Consideration was given to the report of the Assistant Chief Executive that met the Council's obligations under the Gender Pay Reporting Legislation that had been introduced in 2017 requiring employers with 250 or more employees to publish annually statutory calculations showing how large the pay gap was between their male and female employees. It was noted that a positive pay gap indicated that men were paid more than women and a negative pay gap indicated that women were paid more than men.

It was noted that the Council normally had up to 12 months following the annual snapshot date of 31st March to publish this information on the Council and Government websites, with the usual deadline for public sector employers to report for the snapshot date of 31st March the

previous year being 30th March of the current year, but that due to the demands of the pandemic the requirement to do so in 2021 had been waived by the Government. The Assistant Director, Human Resources and Organisational Development, advised that despite the waiver that it had been agreed to ensure transparency to publish the report as normal.

The full Gender Pay Gap report for 2019-20 was attached as an appendix to the officer's report. The report stated that over recent years Council had seen significant reductions in its Gender Pay Gap, with the mean positive pay gap reducing from 13.4% to 9.1% over the last year, and from 21.8% in 2013. It was noted that while this reduction in the gap was welcome, whilst ever there was a gap work would continue to address the imbalance.

The report highlighted key issues from the report for the Committee's consideration including:

- The median gender pay gap for the Council at the end of March 2020 had increased slightly on the previous year, increasing from 10.6% to 11.2%. The mean pay gap had however decreased from 13.4% to 9.1%.
- The Council's pay gap showed that overall men were still paid more than women, however, the figures compared favourably with the average UK gap of 15.5%
- In Black and Minority Ethnic (BAME) employees the Council had a negative 14.9% median pay gap and negative 4.6% mean pay gap. For disabled employees there was a negative 17.1% median and a negative 6.8% mean. The negative pay gap indicated that both BAME and disabled employees were paid more than non-BAME/disabled employees.

It was noted that as no other Council in the region had published data for 2020, benchmarking was only available for 2019, with the benchmarking that had been carried out on the 2019 figures showing that the Council's gender pay gap median figure comparing favourably with that of neighbouring authorities.

Members welcomed the report and the decision that had been taken to produce the report as normal, despite the requirement being waived by the Government to publish a report in 2020.

Members welcomed the positive progress that had been made in addressing the Gender Pay Gap over the last year and noted how important it was that this progress was maintained in order to move to greater pay equality.

Resolved: -

That the Gender Pay Gap report for 2020, as attached at Appendix 1 of the officer's report be noted and approved for publication.

41. URGENT BUSINESS

The Chair reported that there were no urgent items of business requiring the Committee's consideration.

Summary Sheet

Committee Name and Date of Committee Meeting

Council – 3rd March, 2021

Report Title

Recommendation from Staffing Committee – Pay Policy Statement 2021-22

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Jo Brown, Assistant Chief Executive

Report Author(s)

Ian Henderson, HR Manager

01709 822467 or ian.henderson@rotherham.gov.uk

Ward(s) Affected

None

Report Summary

This report provides detail of the Pay Policy Statement for 2021-22 that the Council is obliged publish under Chapter 8 of the Localism Act 2011.

At its meeting on 10th February, 2021, the Staffing Committee considered a report in respect of the Pay Policy Statement for 2021-22 that the Council is obliged to publish under Chapter 8 of the Localism Act 2011. Staffing Committee accepted the Pay Policy Statement for 2021-22 and recommend approval by full Council.

The original report providing detail to the proposals is appended in order to provide Members with sufficient knowledge to agree the proposals.

In order to give effect to the recommendations from the Staffing Committee, consideration and approval by Council must be given to the recommendation set out below.

Recommendations

That Council approves the Pay Policy Statement for 2021-22.

List of Appendices Included

Appendix 1 Pay Policy Statement

Background Papers

Local Government Association

CIPFA Best Value Accounting Code of Practice

Freedom of Information

Localism Act 2011

Hutton Review of Fair Pay in the Public Sector: Final Report March 2011

Previous Staffing Committee Reports

Local Government Transparency Code 2015

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

Public Report
Staffing Committee

Committee Name and Date of Committee Meeting

Staffing Committee – 10 February 2021

Report Title

Pay Policy Statement 2021-22

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Jo Brown, Assistant Chief Executive

Report Author(s)

Ian Henderson, HR Manager

01709 822467 or ian.henderson@rotherham.gov.uk

Ward(s) Affected

None

Report Summary

This report provides detail of the Pay Policy Statement for 2021-22 that the Council is obliged publish under Chapter 8 of the Localism Act 2011.

Recommendations

Staffing Committee is asked to:

1. Accept the Pay Policy Statement for 2021-22 (Appendix 1)
2. Recommend approval of the statement by Council.

List of Appendices Included

Appendix 1 Pay Policy Statement

Background Papers

Local Government Association

CIPFA Best Value Accounting Code of Practice

Freedom of Information

Localism Act 2011

Hutton Review of Fair Pay in the Public Sector: Final Report March 2011

Previous Staffing Committee Reports

Local Government Transparency Code 2015

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

Pay Policy Statement 2021-22

1. Background

- 1.1 The Localism Act 2011, Chapter 8 Pay Accountability, made it a legal requirement for authorities to produce and publish a Pay Policy Statement by 31 March each year. This must be agreed by Council and detail the remuneration of its Chief Officers.
- 1.2 The Council must then comply with the Pay Policy Statement for the financial year in making any determination.
- 1.3 The statement must state:
 - Policies relating to remuneration of Chief Officers (definition includes Directors)
 - Remuneration of its lowest paid employees
 - Relationship between remuneration of Chief Officers and employees who are not Chief Officers
 - The remuneration of its Chief Officers
 - Remuneration of Chief Officers on appointment
 - Increases and additions to remuneration for each Chief Officer
 - Use of performance related pay for Chief Officers
 - Use of bonuses for Chief Officers
 - Benefits in kind to which the Chief Officer is entitled
 - Any increase of enhancement to Chief Officer pension entitlement
 - Approach to payment of Chief Officers and their ceasing to hold office
 - Any amounts payable upon the Chief Officer ceasing to hold office other than that payable by virtue of any enactment
 - Approach to publication and access to information relating to remuneration of Chief Officers
- 1.4 In addition, Council should be offered the opportunity to approve salary packages offered for new appointments and exit packages for leavers where the value of either is £100,000 or more.
- 1.5 The Council's Scheme of Delegation has empowered the Staffing Committee to determine conditions of service, employment policies and procedures and remuneration relating to the Chief Executive and Chief Officers, in line with the Pay Policy Statement.
- 1.6 The remuneration of Chief Officers reflects the latest pay award from April 2020 and will be adjusted for any pay award agreed for 2021/22.
- 1.7 In line with usual practice, Staffing Committee is asked to review the Pay Policy Statement for 2021-22 (Appendix 1) and make recommendation to Council.

2. Key Issues

- 2.1 It is a legal requirement for the Council to publish a Pay Policy Statement each year which has been agreed by Council.

3. Options considered and recommended proposal

- 3.1 The format and content of the Pay Policy is in accordance with guidance previously issued by the regional Local Government Employers Association and reflects good practice examples.
- 3.2 It is recommended that Staffing Committee accept the Pay Policy Statement for 2021/22 and recommend the statement by Council.

4. Consultation on proposal

- 4.1 Consultation has taken place with relevant officers in legal and finance.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Staffing Committee's recommendation will go to Council at the meeting scheduled for the 3rd March 2021.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

- 6.1 The financial implications of the pay policy have been factored into the Council's budget position for 2021/22. This ensures that the Council's budgets overall and at a service level are appropriate to support the cost implications of the pay policy statement 2021/22. The salary scales are currently based on the current year and latest pay award, should a further pay award or any other salary base adjustments be agreed the pay policy would need to be amended and the financial implications of those adjustments considered.
- 6.2 There are no direct procurement implications associated with the details contained in the report.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

- 7.1 As set out in the body of the report, the provision of this information complies with the requirements contained within the Localism Act 2011.

8. Human Resources Advice and Implications

- 8.1 The policy statement sets out the arrangements for the salary and related allowances paid to Chief Officers of the Council which have been negotiated

and agreed through appropriate collective bargaining mechanisms (national or local) or as a consequence of authority decisions, which are incorporated into contracts of employment.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no implications for children and young people or vulnerable adults

10. Equalities and Human Rights Advice and Implications

10.1 In making any decision the Council is required to have due regard to its equalities duties and in particular with respect to the Equality Act 2010, section 149, part 11 of the public sector duty:

- a) eliminate discrimination, harassment, victimisation and eliminate any other conduct that is prohibited by or under the Act,
- b) advance equality of opportunity between persons who are a protected characteristics and persons who do not share it and to
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 The recommendation before the Council will not have any adverse impact on anyone with one or more protected characteristics, namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

10.3 Continued gender pay gap reporting and analysis will enable issues to be identified and mitigating actions to be put in place.

11. Implications for Partners

11.1 There are no implications for partners.

12. Risks and Mitigation

12.1 There is a risk that the authority would face legal action if it failed to comply with legislative requirements to publish the pay policy statement.

13. Accountable Officer(s)

Jo Brown, Assistant Chief Executive

Lee Mann, Assistant Director Human Resources & OD

Approvals obtained on behalf of: -

	Named Officer	Date
Chief Executive		02/02/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	26/01/21
Assistant Director of Legal Services (Monitoring Officer)	Stuart Fletcher	19/01/21
Assistant Director of Human Resources (if appropriate)	Lee Mann	13/01/21
Head of Human Resources (if appropriate)		Click here to enter a date.

Report Author: Ian Henderson, HR Manager
01709 822467 or ian.henderson@rotherham.gov.uk
 This report is published on the Council's [website](#).

Assistant Chief Executive's Human Resources

Pay Policy Statement 2021-22

Introduction & Scope

This policy statement sets out the arrangements for the salary and related allowances paid to Chief Officers of the Council, meeting the requirements the Localism Act 2011, and also meeting the requirements of guidance issued by the Secretary of State for Communities and Local Government to which the authority is required to have regard under section 38 to 43 of the Act.

It does not cover teaching staff, whose salaries and terms of conditions of employment are set by the Secretary of State or Academy schools as they are an entirely separate employer covered by the Academies Act 2010 and are responsible for setting salaries for their employees.

The authority is required to publish Chief Officer salaries and disclose details of salaries over £50,000 on an annual basis as part of the Statement of Accounts which is available on the Council's website (<http://www.rotherham.gov.uk/>).

The Council is committed to and supports the principle of equal pay for all its employees.

Equal pay between men and women is a legal right under both United Kingdom and European Law. The Equality Act 2010 requires employers not to discriminate on grounds of sex, gender reassignment, race and disability and similar rules apply to sexual orientation, religion, pregnancy and maternity and age.

The authority applies terms and conditions of employment that have been negotiated and agreed through appropriate collective bargaining mechanisms (national or local) or as a consequence of authority decisions, which are incorporated into contracts of employment.

Chief Executive and Chief Officers conditions of service are in line with the Joint Negotiating Committees for Chief Executives and Chief Officers. Local agreements and remuneration are determined by Council on recommendation made by the authority's Staffing Committee.

The remuneration of Chief Officers reflects the latest pay award from April 2020 and will be adjusted for any pay award agreed for 2021/22.

This also applies to shared management arrangements with partner organisations, where the job continues to be filled by an employee of the Council.

Definition of officers covered by the Pay Policy Statement

This policy statement covers the following posts:

1. Head of the Paid Service, which in this authority is the post of:
 - Chief Executive
2. Statutory Chief Officers, which in this authority are the posts of:
 - Strategic Director Children and Young People's Services (Director Children's Services)
 - Strategic Director Adults Care, Housing and Public Health (Director Adult Social Services)
 - Strategic Director Finance and Customer Services (Section 151 Chief Finance Officer)
 - Director of Public Health (Director Public Health)
 - Assistant Director Legal Services (Monitoring Officer)
3. Non-statutory Chief Officers, which in this authority are the posts of:
 - Strategic Director Regeneration and Environment
 - Assistant Chief Executive
 - Assistant Director Children's Social Care
 - Assistant Director Human Resources and Organisational Development
 - Assistant Director Financial Services
 - Assistant Director Customer Information and Digital Services
 - Assistant Director Culture, Sport and Tourism
 - Assistant Director Regeneration, Planning and Transport
 - Assistant Director Community Safety and Streetscene
 - Assistant Director Strategic Commissioning
 - Assistant Director Independent Living
 - Assistant Director Housing
 - Assistant Director Education
 - Assistant Director Early Help and Family Engagement
 - Assistant Director Joint Commissioning CCG, Performance and Inclusion

Policy on remunerating Chief Officers

The authority's policy on remunerating Chief Officers is set out on the schedule that is attached to this policy statement at Appendix A. It is the policy of this authority to establish a remuneration package for each Chief Officer post that is sufficient to attract and retain staff of the appropriate skills, knowledge, experience, abilities and qualities that is consistent with the authority's requirements of the post in question at the relevant time.

Policy on other aspects of remuneration of Chief Officers

Other aspects of the remuneration of Chief Officers are appropriate to be covered by this policy statement. These other aspects are defined as recruitment, pay increases, additions to pay, performance related pay, earn back, bonuses, termination payments, transparency, re-employment when in receipt of a Local Government pension or a redundancy/severance payment and pension legislation. These matters are addressed in the schedule attached to this policy statement at Annex B

Pay Relationship

The lowest pay rate in the authority (excluding apprentice rates) equates to a full time equivalent annual salary of £18,198 and can be expressed as an hourly rate of pay of £9.43. This pay rate and salary was determined by the authority as part of a pay scale for employees employed on the National Joint Council Local Government Services Terms and Conditions.

The highest paid salary in this authority is £172,753 which is paid to the Chief Executive.

The ratio between the two salaries, the 'pay multiple' is 9.5 to 1. Against the median salary of £21,748 this multiple reduces to 8 to 1 and against the average salary of £25,944 to 7 to 1.

The Hutton review considered the multiple should be no greater than 20 to 1 (lower is better) and based on the current situation the Council falls well below this threshold. The authority does not have a policy on maintaining or reaching a specific 'pay multiple', however the authority is conscious of the need to ensure that the salary of the highest paid employee is not excessive and is consistent with the needs of the authority.

These pay rates may increase in accordance with any pay settlements which are reached through the respective national negotiating bodies.

Salary Packages over £100,000

The authority will ensure that before an offer of appointment is made, any salary package for any post that is in excess of £100,000 is considered by Council following recommendation by Staffing Committee.

Flexibility to address recruitment issues for vacant posts

In exceptional circumstances where there are recruitment difficulties; there may be a requirement to consider the payment of temporary market supplements such as 'golden hellos', retention payments or regular monthly payments.

In situations where a market supplement is being considered a report detailing the business case is considered by the Assistant Director of Human Resources & Organisational Development who makes the final decision as to whether a supplement is payable, the amount and the frequency of review. For Chief Officer graded posts where this would result in a pay package in excess of £100k the case will be considered by Council on recommendation made by the Staffing Committee.

Supplements can be reviewed at any time but a review must be undertaken on an annual basis.

Policy Amendment

The Council may seek to change elements within the pay policy as part of any necessary efficiency review or as other circumstances dictate.

This policy statement is reviewed annually and is presented to Council each year for consideration in order to ensure that a policy is in place for the authority prior to the start of each financial year.

Exit Payment Cap and Pension Reforms

It is expected that legislative changes will be implemented in the following areas, in which case the authority will apply changes as appropriate:

- The fixing of a cap on exit payments made to employees departing the public sector
- Recovery of exit payments made to high earners who leave the public sector on or after the implementation date if they return to the public sector within 12 months of leaving.
- Other associated reform of redundancy payment limits and related pension scheme provisions

Pay Policy References

- Agency workers directive 2011
 - Hutton Fair Pay in the Public Sector Final Report (March 2011)
 - Joint Negotiating Committee for Local Authority Chief Executives
 - Joint Negotiating Committee for Chief Officers of Local Authorities
 - Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
 - Local Government Pension Scheme (Benefits, Membership & Contributions) Regulations
 - Localism Act 2011
 - National Joint Council for Local Government Services
 - Representation of the People Act 1983
 - Rotherham Borough Council Scheme of Delegation
 - The Accounts and Audit (England) Regulations (2011)
 - The Equality Act 2010
 - The Secretary of State for CLG Code of Recommended Practice for Local Authorities on Data Transparency
 - Local Government Transparency Code 2015
 - HM Treasury Recovery of Public Sector exit payments
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Appendix A – Policy on Remunerating Chief Officers 2021/22

The remuneration of Chief Officers reflects the latest pay award from April 2020 and will be adjusted for any pay award agreed for 2021/22.

Head of Paid Service and Statutory Officers

Post	Salary Ceiling	Additional Allowances	Bonus	Profit Related Pay	Earn Back	Pension Enhancement
Chief Executive	£172,753	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Strategic Director Children and Young People's Services	£151,967	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Strategic Director Adults Care, Housing and Public Health	£133,756	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Strategic Director Finance and Customer Services	£123,645	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Director of Public Health	£90,205	£20,000 market pay supplement	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Legal Services	£90,205	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)

Non-statutory Chief Officers

Post	Salary Ceiling	Additional Allowances	Bonus	Performance Related Pay	Earn Back	Pension Enhancement
Strategic Director Regeneration and Environment	£123,645	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Chief Executive	£105,779	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Children's Social Care	£98,640	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Human Resources and Organisational Development	£90,205	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Financial Services	£90,205	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Customer Information and Digital Services	£90,205	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Culture, Sport and Tourism	£90,205	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Regeneration, Planning and Transport	£90,205	None	The authority does not operate bonus	The authority does not operate	The authority does not operate earn-back	It is not Council policy to award additional

			schemes	performance related pay systems	pay systems	pension entitlement (regulation 31)
Post	Salary Ceiling	Additional Allowances	Bonus	Profit Related Pay	Earn Back	Pension Enhancement
Assistant Director Community Safety and Streetscene	£90,205	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Strategic Commissioning	£90,205	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Independent Living	£90,205	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Housing	£90,205	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Education	£90,205	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Early Help and Family Engagement	£90,205	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Joint Commissioning CCG, Performance and Inclusion	£90,205	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)

Appendix B - Policy on other aspects of remuneration of Chief Officers 2021/22

Aspect of Chief Officer Remuneration	Authority Policy
Recruitment	<p>Posts are advertised and appointed to at the appropriate approved salary for the post unless there is evidence that a successful appointment of a person with the required knowledge, experience, skills, abilities and qualities cannot be made without varying the remuneration package.</p> <p>In such circumstances a variation to the remuneration package is appropriate under the Authority's policy. Any changes will be approved through the Authority's appropriate decision making process.</p> <p>Salary packages over £100,000 require Council approval.</p>
Pay Increases	The authority applies any pay increases that are agreed by relevant national negotiating bodies and/or any pay increases that are agreed through local negotiations.
Additions to Pay	The Authority does not make additional payments beyond those specified in the contract of employment.
Performance Related Pay	<p>The Authority does not operate a performance related pay system for Chief Officers as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior managers.</p> <p>Any areas of under-performance would be addressed through capability procedures.</p>
Earn-Back (withholding an element of base pay related to performance)	<p>The authority does not operate an earn-back pay system whereby a proportion of the employee salary is held back and only paid if specific targets are achieved as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior managers.</p> <p>Any areas of under-performance would be addressed through capability procedures.</p>
Bonuses	The authority does not have or intends to introduce any bonus schemes.
Termination Payments	<p>The authority's normal redundancy payment arrangements apply to all staff including Chief Officers and the Chief Executive. The authority also applies the appropriate Pensions regulations in circumstances where employees qualify for release of pensions.</p> <p>Council will also be given the opportunity to vote on any severance package with a cost in excess of £100k. The components of any such package will be clearly set out and will include pay in lieu of notice, redundancy payment, pension release costs, settlement payments, holiday pay and any fees or allowances paid.</p>

Transparency	The Authority meets its requirements under the Localism Act, the Local Government Transparency Code 2015 and the Accounts and Audit Regulations in order to ensure it is open and transparent regarding senior officer remuneration.
Re-employment of staff in receipt of a Local Government Pension or a redundancy/severance payment	<p>The authority is under a statutory duty to appoint on merit and has to ensure that it complies with all appropriate employment and equalities legislation. The authority will always seek to appoint the best available candidate to a post who has the skills, knowledge, experience, abilities and qualities needed for the post.</p> <p>If a candidate is a former employee in receipt of a Local Government pension, or received a redundancy payment, this will not rule them out from being re-employed by the authority. Clearly where a former employee left the authority on redundancy terms then the old post has been deleted and the individual cannot return to that post as it will not exist.</p> <p>The authority will apply the provisions of the Statutory Redundancy Payments Modification Order regarding the recovery of redundancy payments if this is relevant and appropriate. Pensions Regulations also have provisions to reduce pension payments in certain circumstances to those who return to work within the local government service.</p> <p>The authority will apply the reforms to exit payments in the public sector, which includes the recovery of exit payments, a cap on exit payment value and associated reforms of redundancy payment limits and related pension scheme provisions, as they become law.</p>
Election Fees	<p>The duties of Electoral Registration Officer are undertaken by the authority's Chief Executive, the remuneration for which is included in their annual salary.</p> <p>The authority's Chief Executive is also the Returning Officer for elections, referendums and other polls. The Returning Officer may appoint deputies and by convention, has chosen to appoint the Director of Legal Services as a Deputy Returning Officer.</p> <p>For national elections, referendums or other polls which may be required by statute, fees are paid in accordance with the amounts specified for each poll by the statutory order issued by the Secretary of State.</p> <p>For local Borough and Parish elections a local scale of fees, which has not increased since 2008, is approved by Council</p>

LICENSING BOARD SUB-COMMITTEE - 01/02/21

LICENSING BOARD SUB-COMMITTEE
1st February, 2021

Present:- Councillor Ellis (in the Chair); Councillors Beaumont, Clark, Jones and Sheppard.

95. DECLARATION OF INTEREST

Councillor Sheppard declared a Personal Interest in Minute No. 97 as he had contact with the hackney carriage/private hire driver's representative on social media.

96. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

97. APPLICATION FOR THE REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Further to Minutes No. 90 and 94 of the 7th and 14th December, 2020, the Sub-Committee, considered a report of the Licensing Manager relating to an application for the review of the hackney carriage/private hire driver licence in respect of Mr. I.A.

Mr. I.A. was in attendance at the meeting together with his representative.

Resolved:- That the hackney carriage/private hire driver licence in respect of Mr. I.A. be revoked.